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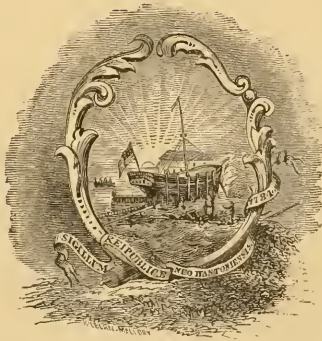
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L A W S

OF THE

STATE OF NEW HAMPSHIRE,

PASSED JUNE SESSION, 1878.



CONCORD:
JOSIAH B. SANBORN.
1878.

STATE OFFICERS.

BENJAMIN F. PRESCOTT, *Governor.*
AI B. THOMPSON, *Secretary of State.*
ISAAC W. HAMMOND, *Deputy Secretary of State.*
SOLON A. CARTER, *State Treasurer.*
JOHN B. CLARKE, *Public Printer.*
DAVID H. BUFFUM, *President of the Senate.*
CALVIN SANDERS, *Clerk of the Senate.*
AUGUSTUS A. WOOLSON, *Speaker of the House.*
ALPHEUS W. BAKER, *Clerk of the House.*
IRA CROSS, *Adjutant-General.*
JOHN C. PILSBURY, *Warden of State Prison.*
OLIVER PILLSBURY, *Insurance Commissioner.*
CHARLES A. DOWNS, *Superintendent of Public Instruction.*
JAMES O. ADAMS, *Secretary of Board of Agriculture.*
WILLIAM H. KIMBALL, *State Librarian.*

SUPREME COURT.

CHARLES DOE, *Chief Justice.*
WILLIAM L. FOSTER,
CLINTON W. STANLEY,
ISAAC W. SMITH,
GEORGE A. BINGHAM,
WILLIAM H. H. ALLEN,
LEWIS W. CLARK,
MASON W. TAPPAN, *Attorney-General.*
EDWARD A. JENKS, *Law Reporter.*

} *Associate Justices.*

L A W S

OF THE

STATE OF NEW HAMPSHIRE,

PASSED JUNE SESSION, 1878.

CHAPTER 1.

AN ACT TO EMPOWER SELECTMEN OF TOWNS TO MAKE BY-LAWS FOR
LICENSING, REGULATING, OR RESTRAINING DOGS IN CERTAIN CASES.

SECTION

1. Selectmen may make by-laws when towns have
neglected to do so.

SECTION

2. Takes effect, when.

*Be it enacted by the Senate and House of Representatives in
General Court convened:—*

SECTION 1. That whenever any town has neglected to make by-laws for licensing, regulating, and restraining dogs according to section six of chapter one hundred and five of the General Statutes, the selectmen of said town shall make such by-laws for licensing, regulating, or restraining dogs as they shall deem expedient, and shall affix penalties for the violation thereof, not exceeding five dollars; and the sum to be paid for a license shall not be less than two dollars on male dogs and five dollars on female dogs; said by-laws so made by said selectmen to be in force till changed by them, or by the town at a legal meeting.

Selectmen may
make by-laws
when towns
have neglected
to do so.

SECT. 2. This act shall take effect upon its passage.
[Approved June 26, 1878.]

Takes effect,
when.

CHAPTER 2.

AN ACT IN AMENDMENT OF SECTION ONE, CHAPTER NINE OF THE PAMPHLET LAWS OF 1873, IN RELATION TO THE ASSIGNMENT OF WAGES.

SECTION 1. Town-clerks to keep alphabetical list of assignments of wages.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Town-clerks to keep alphabetical list of assignments of wages.

SECT. 1. Amend by adding after the word “lives” in said section one, the words “and the clerks of the several towns and cities shall keep for public inspection an alphabetical list of all such orders and assignments filed with them.”

[Approved June 26, 1878.]

CHAPTER 3.

AN ACT IN RELATION TO CLERKS OF COURTS IN AMENDMENT OF SECTION THREE, CHAPTER ONE HUNDRED AND NINETY-THREE OF GENERAL STATUTES.

SECTION

1. Clerk for each county to attend law terms only when required by supreme court.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Clerk for each county to attend law terms only when required by supreme court.

SECT. 1. That section three, chapter one hundred and ninety-three of General Statutes, be amended by adding next after the word “belongs,” in the second line of said section, the words “when required by the supreme court.”

Takes effect, when.

SECT. 2. This act shall take effect on its passage.

[Approved July 2, 1878.]

CHAPTER 4.

AN ACT IN AMENDMENT OF SECTION TWO, CHAPTER TWO HUNDRED AND SEVENTY-TWO OF THE GENERAL STATUTES, RELATING TO FEES OF JUSTICES OF THE PEACE.

SECTION

1. Justice's fee, \$2 for each full day occupied in examining criminal cases.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. After the word "dollar," in the ninth line of said section two, add, "Provided, however, that in case said examination shall occupy the time of said justice for a full day or more, he shall be allowed the sum of two dollars per day, for the time so occupied." Justice's fee, \$2 for each full day occupied in examining criminal cases.

SECT. 2. This act shall take effect after its passage.
[Approved July 2, 1878.]

Takes effect, when.

CHAPTER 5.

AN ACT IN AMENDMENT OF AN ACT TO ANNEX A PORTION OF NASH AND SAWYER'S LOCATION, IN THE COUNTY OF COOS, TO THE TOWN OF CARROLL, IN SAID COUNTY, APPROVED JUNE 22, 1848.

SECTION

1. Territory annexed to the town of Carroll.
2. Acts repealed.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That all the territory in the county of Coos which is included within the following boundaries, to wit: Beginning at the stake standing on the west bank of the Ammonoosuc River, about south of the Fabyan House, so called; thence south 12°, east fifteen rods to a spruce-tree standing on the line of Nash and Sawyer's Location; thence on the line of said location south 52½°, east 200 rods to a balsam-tree; thence north 68°, east 80 rods to a spruce; thence north 20°, west to the line of the town of Carroll; thence on said Carroll town line to Ammonoosuc River; thence up said river to the bound begun at,—be and the same is hereby annexed to said town of Carroll. Territory annexed to the town of Carroll.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. Acts repealed.

SECT. 3. This act shall take effect on its passage.
[Approved July 2, 1878.]

Takes effect, when.

CHAPTER 6.

AN ACT TO LEGALIZE THE DOINGS OF THE TOWN OF BENTON AT THE
LAST ELECTION IN MARCH.

SECTION

1. Proceedings of town-meeting of 1878 ratified.

SECTION

2. Takes effect, when.

*Be it enacted by the Senate and House of Representatives in
General Court convened:—*Proceedings of
town-meeting
of 1878 ratified.

SECT. 1. That all the proceedings and doings of the town of Benton, in town-meeting assembled, at the annual election last March, and all sums of money voted to be raised by taxation at said meeting, and all taxes assessed according to any vote of said town at said meeting, be and the same are hereby ratified and confirmed, and all warrants for taxes issued by said town are made valid.

Takes effect,
when.

SECT. 2. This act shall take effect upon its passage.
[Approved July 2, 1878.]

CHAPTER 7.

AN ACT IN AMENDMENT OF CHAPTER TWO HUNDRED AND THIRTY-
THREE OF THE GENERAL STATUTES, RELATING TO NOTICES OF HEAR-
INGS AFFECTING SCHOOL-DISTRICTS.

SECTION

1. Notices of hearings affecting school-districts.

SECTION

2. Takes effect, when.

*Be it enacted by the Senate and House of Representatives in
General Court convened:—*Notices of hear-
ings affecting
school-districts.

SECT. 1. That section three of chapter two hundred and thirty-three of the General Statutes be amended by inserting after the word "therein," in the fourth line of said section, and before the word "and" in the same line, the words "if any, otherwise in one or more public places in the district;" so that the same may read "on the door of the school-house therein, if any, otherwise in one or more public places in the district."

Takes effect,
when.

SECT. 2. This act shall take effect upon its passage.
[Approved July 2, 1878.]

CHAPTER 8.

AN ACT TO DISANNEX SO MUCH OF THE HOMESTEAD FARMS OF JOHN O. COBB AND OLIVER F. SKILLINGS, AS LIES ON THE NORTH BANK OF THE SACO RIVER, FROM HART'S LOCATION AND ANNEX THE SAME TO THE TOWN OF BARTLETT.

SECTION

1. Town lines changed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. So much of the homestead farms of John O. Cobb and Oliver F. Skillings, as lies on the north bank of the Saco River, shall be disannexed from Hart's Location and annexed to the town of Bartlett, both in the county of Carroll. Town lines changed.

SECT. 2. This act shall take effect from its passage.

[Approved July 2, 1878.]

Takes effect, when.

CHAPTER 9.

AN ACT IN AMENDMENT OF SECTION FOURTEEN, CHAPTER FIFTY-FOUR OF THE GENERAL STATUTES, RELATING TO THE COLLECTION OF RESIDENT TAXES.

SECTION

1. Notice of sale of real estate for taxes.
2. Acts repealed.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Section fourteen of chapter fifty-four of the General Statutes is hereby amended by inserting after the word "town," in the second line of said section, the following words: "and by publication for three successive weeks in some newspaper printed in the county or judicial district in which said town is situate, the charges for such advertising to be collected in the same manner as provided in case of non-resident taxes." Notice of sale of real estate for taxes.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. Acts repealed.

SECT. 3. This act shall take effect upon its passage.

[Approved July 11, 1878.]

Takes effect, when.

CHAPTER 10.

AN ACT TO PREVENT THE DEFACEMENT OF NATURAL SCENERY, AND
FOR OTHER PURPOSES.

SECTION 1. Penalty for defacing natural scenery.

*Be it enacted by the Senate and House of Representatives in
General Court convened:—*

Penalty for de-
facing natural
scenery.

SECT. 1. Whoever paints or puts upon or in any manner affixes to any fence, bridge, or other structure, or to or upon any rock or other natural object, the property of another, any words, device, trade-mark, advertisement, or notice, without first obtaining the consent thereto of the owners of such property, shall, upon complaint of the owner or tenant of such property, or the city or town authorities within whose limits the offense is committed, be punished by a fine not exceeding twenty-five dollars for each offense; *provided*, that this act shall not apply to any notice required by law to be posted in a particular place.

[Approved July 15, 1878.]

CHAPTER 11.

AN ACT IN AMENDMENT OF SECTION ONE, CHAPTER TWENTY-THREE OF
THE PAMPHLET LAWS OF 1877, RELATING TO THE JURISDICTION OF
POLICE COURTS IN CIVIL CASES.

SECTION 1. Act limited to police courts.

*Be it enacted by the Senate and House of Representatives in
General Court convened:—*

Act limited to
police courts.

SECT. 1. That said section one shall be amended by striking out the words "justices of the peace and," in the first line of said section, so that the same shall read, "In all suits before police courts, the action shall be made returnable in the town or city where the plaintiff or defendant resides, and no party summoned as trustee shall have judgment entered against him until after notice has been given him to disclose, or after disclosure made, as now provided by law."

[Approved July 15, 1878.]

CHAPTER 12.

AN ACT RELATING TO PETIT JURORS.

SECTION

1. Person having cause pending not to act as juror at that term.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That no person shall serve as a petit juror at any trial term of the supreme court, at which term he has a cause pending in said court which may be tried by jury at the term he is so summoned to serve as a juror, but such person shall be discharged from service as a juror at said term.

Person having cause pending not to act as juror at that term.

SECT. 2. This act shall take effect from its passage.
[Approved July 15, 1878.]

Takes effect, when.

CHAPTER 13.

AN ACT IN AMENDMENT OF CHAPTER THIRTY-EIGHT OF THE PAMPHLET LAWS OF 1874, ENTITLED, "AN ACT FOR THE BETTER PRESERVATION OF BIRDS, GAME, AND FUR-BEARING ANIMALS."

SECTION

1. Protection of game birds extended.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Section six of chapter thirty-eight of the Pamphlet Laws of 1874 shall be amended as follows: the words, "the fourth day of July," in second line of said section, shall be stricken out, and the words, "the first day of August," inserted instead thereof.

Protection of game birds extended.

SECT. 2. This act shall take effect upon its passage.
[Approved July 15, 1878.]

Takes effect, when.

CHAPTER 14.

AN ACT TO AUTHORIZE ENLARGEMENTS OF THE NEW STATE-PRISON.

SECTION

1. Sixty-four additional cells authorized; plans to be approved; cost limited.

SECTION

2. Governor to draw warrants and treasurer to issue bonds to cover cost of enlargements.
3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Sixty-four additional cells authorized; plans to be approved; cost limited.

SECT. 1. That the commissioners appointed to superintend the erection and completion of a new state-prison are hereby authorized to provide for enlargement of the same from the plans heretofore made therefor, so as to include at least sixty-four cells in addition to the number included in said plans, together with the other additional accommodations proper to be provided in connection with the same; and to make such arrangements and contracts for said enlargement as they may think proper; *provided, however,* that the plans for said enlargement, and said provisions and contracts therefor, shall be approved by the governor and council; *and further provided,* that the whole cost of constructing and completing the prison, including said enlargements, in all respects as provided in the original act of July 19, 1877, in relation thereto, shall not be increased by a sum exceeding thirty thousand dollars in addition to the sum of two hundred thousand dollars mentioned in said act.

Governor to draw warrants and treasurer to issue bonds to cover cost of enlargements.

SECT. 2. The governor shall draw his orders on the state treasurer for the amounts which may be required for the purposes of said enlargement as hereinbefore provided; and the state treasurer, under the direction of the governor and council, shall issue bonds or certificates of indebtedness, as provided in the original act aforesaid, for the same amounts, not, however, exceeding in the aggregate the sum of thirty thousand dollars in addition to the sum of one hundred and ten thousand dollars mentioned in said act.

Takes effect, when.

SECT. 3. This act shall take effect upon its passage.
[Approved July 15, 1878.]

CHAPTER 15.

AN ACT LEGALIZING ALL THE TAXES ASSESSED IN THE TOWN OF EASTON FOR THE YEAR 1878.

SECTION

1. Taxes of 1878 legalized.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Taxes of 1878 legalized.

SECT. 1. That all the taxes assessed by the board of selectmen of the town of Easton for the year 1878 be and the same hereby are

made legal ; and all doings of the selectmen and the collector of taxes in said town, in relation to the assessment, inventory, and collection of all taxes in said town for said year, are hereby ratified, confirmed, and legalized.

SECT. 2. This act shall take effect upon its passage.
[Approved July 15, 1878.]

Takes effect,
when.

CHAPTER 16.

AN ACT REGULATING THE SALE OF LAGER BEER.

SECTION

1. Penalty for selling malt liquors.
2. Prosecution of complaints.

SECTION

3. Acts repealed.
4. Local option.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. If any person, not being an agent of a town or city for the purpose of selling spirituous liquors, shall sell, or keep for sale, lager beer or other malt liquors not included in the list of those already prohibited by law, such person shall be fined ten dollars for the first offense, and for every subsequent offense fifty dollars. Penalty for selling malt liquors.

SECT. 2. Complaints under this act shall be prosecuted in the same manner as provided in the General Statutes regulating the sale of spirituous and intoxicating liquors. Prosecution of complaints.

SECT. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

SECT. 4. This act shall be enforced only in such towns as shall, by a majority vote, so decide. Local option.
[Approved July 18, 1878.]

CHAPTER 17.

AN ACT IN AMENDMENT OF CHAPTER SIXTY-TWO OF THE LAWS OF 1877, ENTITLED, "AN ACT FOR THE PROTECTION OF OYSTER-BEDS."

SECTION

1. Taking oysters certain months prohibited ; dredging prohibited.
2. Penalty.

SECTION

3. Acts repealed.
4. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. That section one of chapter sixty-two of the laws of this state passed at the June session, 1877, approved July 19, 1877, Taking oysters certain months prohibited ;

dredging prohibited.

is hereby amended so as to read as follows, to wit: No person shall take oysters from Great Bay, in the county of Rockingham, or any of its tributaries, during the months of June, July, and August; nor shall any person dredge for oysters through holes cut in the ice on said Great Bay or any of its tributaries during any month in the year, unless said oysters have been bedded there by the person so taking or dredging for them.

Penalty.

SECT. 2. Any person violating the provisions of this act shall be fined not less than twenty nor more than one hundred dollars for each offense.

Acts repealed.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect, when.

SECT. 4. This act shall take effect upon its passage.

[Approved July 18, 1878.]

CHAPTER 18.

AN ACT IN AMENDMENT OF CHAPTER FORTY-SIX OF THE PAMPHLET LAWS OF 1877, ENTITLED, "AN ACT REGULATING THE TAKING OF FISH."

SECTION

1. Word defined.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Word defined.

SECT. 1. That the word "private," wherever it occurs in section one of the act to which this act is an amendment, shall be interpreted to apply only to such ponds, streams, or springs wholly within the control of some person owning the land around the same, who has made some improvement or expended money or labor in stocking the same with fish for his own use.

Takes effect, when.

SECT. 2. This act shall take effect upon its passage.

[Approved July 18, 1878.]

CHAPTER 19.

AN ACT MAKING AN APPROPRIATION FOR THE STATE NORMAL SCHOOL.

SECTION

1. \$3,000 appropriated.

2. Trustees to report how money has been expended.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

\$3,000 appropriated.

SECT. 1. That the sum of three thousand dollars be appropriated for the support and maintenance of the state normal school

at Plymouth, to be expended under the direction of the trustees of said school, for the time being, who are hereby authorized to use the same to pay for the services of teachers by them employed in said school, and for repairs and improvements of the buildings and property belonging to the school, and for such other expenses as are incident to the support of the school; and the governor is hereby authorized to draw his warrant upon the state treasurer for said sum in favor of said trustees or such officers as they shall designate to receive it.

SECT. 2. The said trustees, in their reports to the legislature, shall state what use they have made of the money so appropriated.

Trustees to report how money has been expended.
Takes effect, when.

SECT. 3. This act shall take effect from and after its passage.

[Approved July 18, 1878.]

CHAPTER 20.

AN ACT RELATING TO THE MALICIOUS INJURY OF ICE USED OR TO BE USED AS AN ARTICLE OF MERCHANDISE.

SECTION

1. Penalty for damaging ice.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Whoever willfully, maliciously, and without right or license, cuts, injures, mars, or otherwise damages or destroys any ice, upon any waters within this state from which ice is or may be taken as an article of merchandise, whereby the taking thereof is hindered or the value thereof diminished for that purpose, shall be punished by a fine not exceeding one hundred dollars.

Penalty for damaging ice.

SECT. 2. This act shall take effect upon its passage.

Takes effect, when.

[Approved July 18, 1878.]

CHAPTER 21.

AN ACT FOR THE RELIEF OF THE TOWN OF FRANKLIN.

SECTION

1. Part of state and county taxes abated.

SECTION

2. Takes effect, when; acts repealed.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Franklin, in the county of Merrimack, one dollar and sixty-four cents for every one thousand dollars of the entire state tax, and to

Part of state and county taxes abated.

make the same proportional abatement annually thereafter of the state tax to be paid by said Franklin during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a new proportion for the assessment of public taxes." And the treasurer of the county of Merrimack is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said Franklin in 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

Takes effect,
when ; acts re-
pealed.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.
[Approved July 18, 1878.]

CHAPTER 22.

AN ACT IN AMENDMENT OF SECTION THIRTY-THREE, CHAPTER ONE OF THE ACTS OF 1868, IN RELATION TO THE EXEMPTION OF HOMESTEADS.

SECTION	SECTION
1. Right of homestead vested in husband in certain cases.	3. Homestead exempted to unmarried person.
2. Husband to have life-estate in deceased wife's homestead.	4. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened : —

Right of home-
stead vested in
husband in
certain cases.

SECT. 1. That upon the death of the wife, leaving no children under twenty-one years of age, and whenever the children named in said section shall arrive at the age of twenty-one years, the mother being dead, the homestead exemption mentioned in said section shall be exempted to the husband, if living.

Husband to have
life-estate in de-
ceased wife's
homestead.

SECT. 2. In case the legal title to the homestead is in the wife at the time of her decease, and after the children shall arrive at twenty-one years of age, the life-estate of the surviving husband, not exceeding the value of five hundred dollars, shall be exempt to him.

Homestead ex-
empted to un-
married person.

SECT. 3. And in case an unmarried person is the owner or occupant of a homestead, such homestead, to the value aforesaid. shall be exempt to such person.

Takes effect,
when.

SECT. 4. This act shall take effect upon its passage.
[Approved July 25, 1878.]

CHAPTER 23.

AN ACT TO REGULATE THE CHOICE OF STATE AND COUNTY OFFICERS UNDER THE AMENDED CONSTITUTION.

SECTION

1. Railroad commissioners to be elected biennially.
2. County officers, time of election; term of office of present incumbents.
3. Returns of votes for county officers to be made to supreme court.

SECTION

4. Their term of office begins on the first day of January.
5. Assessment of annual state tax provided for.
6. Assessment of annual county tax regulated.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Three railroad commissioners shall be elected in [November] 1878, and biennially thereafter, who shall enter upon the discharge of their duties on the first Wednesday of June following their election, and hold their office for two years and until others are chosen and qualified in their stead. Railroad commissioners to be elected biennially.

SECT. 2. A register of deeds, register of probate, treasurer, sheriff, and solicitor, and three county commissioners shall be elected in November, 1878, for each county in the state, who, upon being duly qualified, shall assume the duties of their respective offices on the first Wednesday of June, 1879; and all county officers elected last March shall, by virtue of such election, hold their offices and perform the duties thereof up to said first Wednesday of June next, and each county commissioner whose term of office would expire next previous thereto shall hold his office up to said day. County officers, time of election; term of office of present incumbents.

SECT. 3. The town and ward clerks shall transmit the returns of votes for all county officers to the clerk of the supreme court for the county in which such town or ward is located, on or before the thirtieth day of the same November in which the election is holden. And said clerks shall have said votes with them at the law term of the supreme court holden at Concord on the first Tuesday of December next after such election, and at said term said court shall examine the returns of votes and record and count the same, and the person who has received the highest number of votes for each office in the several counties shall at said term of said court be declared to be elected. Returns of votes for county officers to be made to supreme court.

SECT. 4. After the election of 1880, and every subsequent biennial election, the county officers elected at such election shall, upon being duly qualified, commence their terms of office, and begin the discharge of their duties as such, on the first day of January next following their election, and shall hold such offices for two years and until others are chosen and qualified in their stead. Their term of office begins on the first day of January.

SECT. 5. The legislature shall, at its biennial session, order such an amount of state tax as they deem necessary to be assessed in each year, and shall specify the amount and time of payment of the tax for each year separately in such a manner that the state taxes for each year may be as nearly uniform as may be. Assessment of annual state tax provided for.

SECT. 6. The county convention for each county shall, during the session of the legislature, raise or grant a county tax for its Assessment of annual county tax regulated.

county for two years, but the tax for each year shall be voted separately for that year, and shall be collected in the year for which it was voted.

[Approved July 25, 1878.]

CHAPTER 24.

AN ACT FOR THE RELIEF OF THE TOWN OF MILTON, AND IN AMENDMENT OF CHAPTER FORTY-NINE OF THE PAMPHLET LAWS OF 1876, ENTITLED, "AN ACT TO ESTABLISH A NEW PROPORTIONMENT FOR THE ASSESSMENT OF PUBLIC TAXES."

SECTION

1. Part of state and county taxes abated.

SECTION

2. Takes effect, when ; acts repealed.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Part of state
and county taxes
abated.

SECT. 1. That the state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Milton, in the county of Strafford, fifty cents (\$0.50) for every one thousand dollars (\$1,000) of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said town of Milton during the period of apportionment fixed by an act of July 20, 1876, entitled, "An act to establish a new proportionment for the assessment of public taxes;" and the treasurer of the county of Strafford is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said town of Milton in 1878, and subsequently until a new proportionment for the assessment of public taxes shall be made.

Takes effect,
when ; acts re-
pealed.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved July 25, 1878.]

CHAPTER 25.

AN ACT IN ADDITION TO AND IN AMENDMENT OF AN ACT ENTITLED, "AN ACT IN CO-OPERATION WITH THE UNITED-STATES COAST SURVEY, IN THE TRIANGULATION OF THE STATE," PASSED AT THE JUNE SESSION OF THE LEGISLATURE IN THE YEAR OF OUR LORD 1872, AND APPROVED JULY 3, 1872.

SECTION

1. Coast-survey signals may be set in places named.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Coast-survey
signals may be
set in places
named.

SECT. 1. The provisions of said act shall be so extended as to include the following unincorporated places, grants, and purchases,

of the state, to wit: Hale's Location, Elkins' Grant, Sargent and Elkins' Grant, Hatch and Cleaves' Grant, Raymond's Grants, Bean and Gilman's Purchase, Wentworth's Location, Bean's Purchase, Chandler's Purchase, Crawford's Purchase, Dixville Purchase, Dix's Grant, Erving's Grant, Green's Grant, Gilmanton and Atkinson Academy Grant, Kilkenny, Low and Burbank's Grant, Martin's Location, Millsfield, Nash and Sawyer's Location, Sargent's Purchase, Odell, Pinkham's Grant, Second College Grant, Success, Thompson and Meserve's Purchase, Crawford's Grant, Cutts' Grant.

SECT. 2. This act shall take effect on its passage.

Takes effect,
when.

[Approved July 25, 1878.]

CHAPTER 26.

AN ACT IN RELATION TO PROBATE COURTS.

SECTION

1. Regular term of court happening on holiday, to be held next secular day.

SECTION

2. Additional terms in Strafford county.
3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That whenever a regular term of any probate court shall happen on a legal holiday, or day of state elections, said probate court shall be held on the next secular day thereafter; and all notices, reports, orders, continuances, and papers which are made returnable to said regular term shall be held and deemed returnable to said next secular day, and the proceedings thereon shall be held and deemed to be of the same force and validity as if said notices, reports, orders, continuances, and papers had been made returnable to said next secular day.

SECT. 2. In addition to the regular terms of the probate court for the county of Strafford, a regular term of said court shall be held at Dover on the second Tuesdays of April, July, September, and December.

SECT. 3. This act shall take effect upon its passage.

Takes effect,
when.

[Approved July 25, 1878.]

CHAPTER 27.

AN ACT RELATING TO HAWKERS AND PEDDLERS AND OTHER PERSONS.

SECTION

1. Penalty for peddling without license.
2. What persons exempted.
3. Clerk of supreme court to grant license.
4. Fee for license ; clerk to transmit fees to state treasurer.

SECTION

5. Punishment for refusing to show license.
6. Justice of the peace may order offender to be arrested ; disposition of fines.
7. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened : —

Penalty for peddling without license.

SECT. 1. Every hawker, peddler, and auctioneer merchant, and every itinerant merchant or trader, doing business in any town or city of this state temporarily, who shall not on the first day of April have been assessed on his stock of goods, or other persons going from place to place either on foot or with horse, or otherwise carrying for sale or exposing for sale any wares or merchandise without license, shall be punished by fine as follows : —

For hawker and peddler, not less than twenty nor more than one hundred dollars ; for auctioneer merchant, not less than fifty nor more than two hundred dollars ; for itinerant merchant, not less than one hundred nor more than two hundred dollars.

What persons exempted.

SECT. 2. The provisions of the preceding section shall not apply to any agent or hired person whose business is to carry samples or specimens for wholesale trade, nor for the sale or exposing for sale fish, fruits, vegetables, provisions, fuel, newspapers, or any production of his own industry ; nor to any citizen of this state who shall present to the clerk of the supreme court a certificate from the selectmen of the town in which he resides, of his inability to earn a subsistence by manual labor, by reason of ill-health or decrepitude, which certificate shall be of no effect till recorded by such clerk, who shall receive therefor twenty-five cents.

Clerk of supreme court to grant license.

SECT. 3. The clerk of the supreme court may grant such license for one year only, upon application and satisfactory evidence being given of a good moral character. Such license shall be recorded in the county clerk's records and a copy of the record given to the person applying, the fee for which shall be one dollar, to be paid by the applicant.

Fee for license.

SECT. 4. Such license shall be of no avail until the person applying shall pay or cause to be paid to the said clerk in each county where he proposes to do business, as follows : For hawker and peddler, the sum of ten dollars ; for auctioneer merchant, the sum of twenty dollars ; for itinerant or temporary merchant, the sum of fifty dollars. And the said clerk shall sign a receipt for the same on the back of said license ; and the said clerk shall, within ten days, transmit such sum to the state treasurer for the use of the state ; and a receipt from the state treasurer shall be a sufficient voucher for the faithful performance of the provisions of this section.

To be sent to state treasurer.

Punishment for refusing to show license.

SECT. 5. If any person as aforesaid shall refuse to show his license when requested by any person, he shall be punished in the manner as for exposing goods for sale without license.

SECT. 6. Every justice of the peace, on application, for any violation of this act may, by warrant, cause the offender to be arrested, and order him to recognize with sufficient surety for his appearance at the next term of the supreme court holden in and for the county where such offense is committed, to answer for said offense. And the fines for such offense shall be paid to the said clerk, which shall by him be paid, one-half to the complainant, and one-half to the state treasurer for the use of the state, in the same manner as the transmission of the sum received for the license.

Justice may order offender to be arrested.

Disposition of fines.

SECT. 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

[Approved July 25, 1878.]

CHAPTER 28.

AN ACT IN AMENDMENT OF "AN ACT TO INCREASE THE REVENUE OF THE STATE OF NEW HAMPSHIRE," PASSED IN THE JUNE SESSION, 1877.

SECTION

1. Act amended.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That said act is hereby amended in the sixteenth line of the printed copy of said act as printed in the public laws, by adding, after the word "authorized," in said sixteenth line, the following words: "In said act so incorporating, chartering, renewing, or extending said corporate powers."

Act amended.

SECT. 2. This act shall take effect from and after its passage.

Takes effect, when.

[Approved July 25, 1878.]

CHAPTER 29.

AN ACT TO SEVER A PART OF A LOT OF LAND FROM WILMOT AND ANNEX IT TO DANBURY.

SECTION

1. Town lines changed.

SECTION

2. Proportional transfer of debt; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That all of lot No. 89, in Wilmot, known as the Dudley lot, lying east and north of Bog Brook, be severed from the town of Wilmot and made a part of the town of Danbury.

Town lines changed.

SECT. 2. Danbury shall take said land charged with its just proportion of the existing indebtedness of Wilmot above available

Proportional transfer of debt.

Repealing
clause.

assets found from the last invoice of said town. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect from its passage.

[Approved July 26, 1878.]

CHAPTER 30.

AN ACT IN AMENDMENT OF SECTION SIX OF CHAPTER FOUR OF THE PAMPHLET LAWS OF 1870, ENTITLED, "AN ACT FOR THE MORE EFFECTUAL PREVENTION OF CRUELTY TO ANIMALS."

SECTION

1. Cruelty to birds prohibited.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Cruelty to birds
prohibited.

SECT. 1. That section six of chapter four of the Pamphlet Laws of 1870 be amended by adding the words "and birds," after the word "creatures," in the second line of said section.

Takes effect,
when.

SECT. 2. This act shall take effect upon its passage.

[Approved July 26, 1878.]

CHAPTER 31.

AN ACT IN RELATION TO THE PUNISHMENT OF CRIMES.

SECTION

1. Minimum fine or term of imprisonment, wherever prescribed in statutes, stricken out.

SECTION

2. Repealing clause; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Minimum fine or
term of imprison-
ment, where-
ever prescribed
in statutes,
stricken out.

SECT. 1. That all the statutes which prescribe both a minimum and maximum fine or term of imprisonment, or both, as a punishment for any offense, be amended by striking out so much of the provisions thereof as prescribe a minimum fine or term of imprisonment, or both, so that said statutes shall provide that the offenses described therein shall be punished by fine or imprisonment not exceeding the maximum amount, or term.

Repealing
clause; takes
effect, when.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act be and hereby are repealed, and this act shall take effect from its passage.

[Approved July 26, 1878.]

CHAPTER 32.

AN ACT LEGALIZING ALL THE TAXES ASSESSED IN THE TOWN OF RYE, IN THE YEAR 1877.

SECTION

1. Taxes for 1877 legalized.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That all the taxes assessed by the board of selectmen of the town of Rye for the year 1877 be and the same hereby are made legal; and all the doings of the selectmen in relation to the assessment of all taxes in said town, for said year, are hereby ratified, confirmed, and legalized. Taxes for 1877 legalized.

SECT. 2. This act shall take effect from and after its passage. Takes effect, when.
[Approved July 31, 1878.]

CHAPTER 33.

AN ACT RELATING TO SPECIAL TERMS OF PROBATE COURT.

SECTION

1. Probate judge may hold court on other than regular days; compensation.

SECTION

2. Repealing clause.
3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Whenever a judge of probate shall deem it necessary to attend a hearing in a contested case, and shall be requested so to do by the parties thereto, on days other than those fixed by the statute as the regular days for the meeting of the probate court, he shall be allowed five dollars per day for such service and his expenses, to be paid out of the estate to which such proceedings may relate. The party first asking for a hearing shall furnish a bond for security of costs. Probate judge may hold court on other than regular days; compensation.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SECT. 3. This act shall take effect upon its passage. Takes effect, when.
[Approved July 31, 1878.]

CHAPTER 34.

AN ACT AUTHORIZING THE SEVERAL TOWNS IN THE STATE TO PURCHASE MAPS OF NEW HAMPSHIRE FOR THE USE OF THE COMMON SCHOOLS THEREIN.

SECTION

1. Towns may purchase maps for use of schools.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Towns may purchase maps for use of schools.

SECT. 1. The superintending school committee and selectmen in the several towns in the state are hereby authorized and empowered to purchase for the use of their common schools so many copies of the map of New Hampshire as they may deem best, not exceeding one copy for each school, and the maps so purchased shall be paid for out of any money appropriated for school purposes.

Takes effect, when.

SECT. 2. This act shall take effect upon its passage.

[Approved August 1, 1878.]

CHAPTER 35.

AN ACT IN AMENDMENT OF CHAPTER SIXTY-NINE OF THE GENERAL STATUTES, RELATING TO DAMAGES HAPPENING IN THE USE OF HIGHWAYS.

SECTION

1. Person injured through defect in highway to file statement of time, place, and extent of injury.
2. Action not to be begun until statement filed and investigation made.

SECTION

3. Supreme court may order claim to be filed in certain cases.
4. All actions to be brought in supreme court.
5. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Person injured through defect in highway to file statement of time, place, and extent of injury.

SECT. 1. Every person sustaining damage to his person, team, or carriage, while traveling upon any highway or bridge thereon, by reason of any obstruction, defect, insufficiency, or want of repair, rendering it unsuitable for travel thereon, shall, within ten days from the date of receiving such damage, file with the clerk of the town or city which by law may be liable for the same, a written statement, under oath, of the exact place where and the time when such damage was received, a full description of such injuries, the extent of the same, and the amount of damages claimed therefor.

Action not to be begun until statement filed and investigation made.

SECT. 2. No action for any such injuries shall be commenced until such claim has been filed as aforesaid, nor until the town or city which may be liable for such injury has caused an investigation to be made of the causes and extent of the injuries for which damages are claimed, and notice of their decision in respect to said claim has been given to said claimant, unless the town or city which may be liable shall neglect to make said investigation and decision,

and give said notice, for more than thirty days after notice as aforesaid of said claim.

SECT. 3. If any person, receiving injuries as aforesaid, is unavoidably prevented from filing his claim for damages as aforesaid, within ten days from the date when such injuries were received, such claimant may make application within six months from the date of the injuries, and not afterward, to the supreme court, at the trial term thereof, setting forth the nature and amount of the claim, the extent of the injuries, and the causes which have prevented the filing of the same within ten days from the date of the injuries, and if the said supreme court, upon notice to the city or town liable therefor, and a hearing thereon, are of the opinion that manifest injustice would otherwise be done, they may allow said claim to be filed with the clerk of the town or city which may be liable for such injuries, within such time as they shall order, but no action shall be commenced on any such claim until the expiration of thirty days from the time when the same is filed with the clerk as aforesaid.

Supreme court may order claim to be filed in certain cases.

SECT. 4. All actions for damages brought under the provisions of said chapter shall be brought in the supreme court of the county where said injuries were received.

All actions to be brought in supreme court.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

[Approved August 1, 1878.]

CHAPTER 36.

AN ACT IN AMENDMENT OF SECTION FOURTEEN OF CHAPTER ONE HUNDRED AND TWENTY-FIVE OF THE GENERAL STATUTES, AND OF SECTIONS TWO AND FIVE OF CHAPTER ONE OF THE LAWS OF 1871, RELATING TO LIENS OF MECHANICS AND OTHERS.

SECTION

1. Lumbermen's lien.

SECTION

2. Precedence of attachment to secure lien.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Section fourteen of chapter one hundred and twenty-five is hereby amended so that said section as amended shall read as follows: "Sect. 14. Any person who by himself or others, or by teams, shall perform labor or furnish supplies to the amount of fifteen dollars or more toward rafting, driving, cutting, hauling, or drawing wood, bark, lumber, or logs, or at cooking or hauling supplies in aid of such labor, shall have a lien thereon for such labor or supplies, which lien shall take precedence of all prior claims except liens on account of public taxes, to continue sixty days after the services are performed or supplies furnished, and may be secured by attachment."

Lumbermen's lien.

SECT. 2. Any attachment made to secure a lien provided for in said section as amended shall have precedence of any attachment made after such lien accrued, unless it is founded on a later lien.

Precedence of attachment to secure lien.

[Approved August 1, 1878.]

CHAPTER 37.

AN ACT TO PREVENT TRESPASS ON IMPROVED LANDS.

SECTION

1. Owner liable for trespass by his animals.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Owner liable for
trespass by his
animals.

SECT. 1. Every owner or person having the charge or custody of any sheep, cattle, horses, swine, or fowl, who willfully or negligently suffers or permits the same to enter on, pass over, or remain on any orchard, garden, mowing land, or other improved or enclosed land of another, after being forbidden by a notice duly posted upon said premises, or by notice in writing by the owner or occupant thereof, or by the duly authorized agent of such owner or occupant, shall be guilty of trespass, and shall be punished by fine not exceeding ten dollars.

Takes effect,
when.

SECT. 2. This act shall take effect upon its passage.

[Approved August 1, 1878.]

CHAPTER 38.

AN ACT TO PUNISH TRAMPS.

SECTION

1. Tramp defined and punished.

2. Punishment for entering dwelling-house, kindling fire, etc.

3. For willful injury to person or property.

4. Non-resident tramp.

SECTION

5. Apprehension and reward.

6. Special constables.

7. Females, etc., not tramps.

8. Secretary to send copies to towns and cities.

9. Takes effect, when ; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Tramp defined
and punished.

SECT. 1. Any person going about from place to place begging and asking or subsisting upon charity, shall be taken and deemed to be a tramp, and shall be punished by imprisonment at hard labor in the state-prison not more than fifteen months.

Punishment for
entering dwell-
ing-house, kind-
ling fire, etc.

SECT. 2. Any tramp who shall enter any dwelling-house, or kindle any fire in the highway, or on the land of another, without the consent of the owner or occupant thereof, or shall be found carrying any fire-arm or other dangerous weapon, or shall threaten to do any injury to any person, or to the real or personal estate of another, shall be punished by imprisonment at hard labor in the state-prison not more than two years.

For willful in-
jury to person
or property.

SECT. 3. Any tramp who shall willfully and maliciously do any injury to any person, or to the real or personal estate of another, shall be punished by imprisonment at hard labor in the state-prison not more than five years.

SECT. 4. Any act of beggary or vagrancy by any person not a resident of this state shall be evidence that the person committing the same is a tramp within the meaning of this act. Non-resident tramp.

SECT. 5. Any person, upon view of any offense described in this act, may apprehend the offender and take him before a justice of the peace for examination, and, on his conviction, shall be entitled to a reward of ten dollars therefor, to be paid by the county. Apprehension and reward.

SECT. 6. The mayor of every city and the selectmen of every town are hereby authorized and required to appoint special constables, whose duty it shall be to arrest and prosecute all tramps in their respective cities and towns. Special constables.

SECT. 7. This act shall not apply to any female, or minor under the age of seventeen years, nor to any blind person. Females, etc., not tramps.

SECT. 8. Upon the passage of this act, the secretary of state shall cause printed copies of this act to be sent to the several towns and city clerks, who shall cause the same to be posted in at least six conspicuous places, three of which shall be on the public highway. Secretary to send copies to towns and cities.

SECT. 9. This act shall take effect on and after August 10, 1878, and all acts and parts of acts inconsistent with this act are hereby repealed. Takes effect, when; repealing clause.

[Approved August 1, 1878.]

CHAPTER 39.

AN ACT IN RELATION TO THE NEW-HAMPSHIRE ASYLUM FOR THE INSANE.

SECTION

1. \$4,000 appropriated.
2. Governor authorized to draw his warrant for same.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That there be and hereby is appropriated to the New-Hampshire asylum for the insane the sum of four thousand dollars, to be expended under the direction of the superintendent in finishing the basement of the laundry and in repairing the Rumford wing of said asylum. \$4,000 appropriated.

SECT. 2. The governor is hereby authorized and empowered to draw, from time to time, by his warrant, said sum from the treasury of the state not otherwise appropriated. Governor authorized to draw his warrant for same.

SECT. 3. This act shall take effect from and after its passage. Takes effect, when.

[Approved August 9, 1878.]

CHAPTER 40.

AN ACT FOR THE RELIEF OF THE TOWN OF PETERBOROUGH.

SECTION

1. State and county taxes abated.
2. Repealing clause.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

State and county
taxes abated.

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878, to be paid by the town of Peterborough, in the county of Hillsborough, one dollar and fifty cents for every one thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said town of Peterborough during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a new proportion for the assessment of public taxes." And the treasurer of the county of Hillsborough is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said town of Peterborough in 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

Repealing
clause.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect,
when.

SECT. 3. This act shall take effect upon its passage.

[Approved August 9, 1878.]

CHAPTER 41.

AN ACT IN AMENDMENT OF AN ACT ENTITLED, "AN ACT IN AMENDMENT OF CHAPTER ONE HUNDRED AND FORTY-SIX OF THE GENERAL STATUTES, IN RELATION TO RAILROADS."

SECTION

1. Taking gravel by railroad corporations regulated.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Taking gravel by
railroad corpora-
tions regulated.

SECT. 1. That the act entitled an act in amendment of chapter one hundred and forty-six of the General Statutes, in relation to railroads, is hereby amended by inserting after section one of said act the following: "Sect. 2. Any railroad corporation may, in like manner, take and hold earth and gravel contiguous to the line of said railroad, necessary for repairing, securing, or ballasting its road, provided that, in their certificate of location thereof, they shall specify the depth to which they propose to grade the same; and in case they are unable to agree with the owner in relation

thereto, the railroad commissioners shall state in their certificate of location the depth to which such material may be removed."

SECT. 2. This act shall take effect on its passage.

[Approved August 9, 1878.]

Takes effect,
when.

CHAPTER 42.

AN ACT TO AUTHORIZE THE CESSION OF ANTIETAM NATIONAL CEMETERY TO THE UNITED STATES.

SECTION

1. Maryland authorized to cede cemetery to United States.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. The state of Maryland is hereby authorized to transfer and convey to the United States all the right and title which the state of New Hampshire has in and to the Antietam national cemetery, at Antietam, in the state of Maryland.

Maryland authorized to cede cemetery to United States.

SECT. 2. This act shall take effect on its passage.

[Approved August 9, 1878.]

Takes effect,
when.

CHAPTER 43.

AN ACT TO PROVIDE FOR THE FUNDING OF THE PRESENT FLOATING DEBT OF THE STATE, FOR THE RE-FUNDING OF A PORTION OF THE BONDED DEBT, AND TO PROVIDE FOR A TEMPORARY LOAN.

SECTION

1. Treasurer authorized to issue bonds to fund state debt; time; interest.

2. Bonds to be signed and record of sale kept;

SECTION

treasurer to advertise for proposals for purchase of bonds.

3. Temporary loan provided for.

4. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. For the purpose of funding the present floating debt of the state, and for the payment of the bonds of the state maturing on or before July 1, 1880, the treasurer of the state is hereby authorized, under the direction of the governor, with the advice and consent of the council, to issue bonds or certificates of indebtedness, in the name and in behalf of this state, to an amount not exceeding the sum of five hundred thousand dollars, and made payable in not less than ten years nor more than twenty years from date of issue, as the governor and council may determine. Said bonds or certificates shall have interest warrants or coupons, at a rate not exceeding five per cent per annum, attached thereto, pay-

Treasurer authorized to issue bonds to fund state debt; time; interest.

ble semi-annually at the treasurer's office, or at some bank in Boston designated by the treasurer, under the direction of the governor and council.

Bonds to be signed, and record of sale kept; treasurer to advertise for proposals for purchase of bonds.

SECT. 2. All said bonds or certificates shall be signed by the treasurer and countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state.

The treasurer shall keep a record of all the bonds disposed of by him, which record shall contain the name of the person to whom any bond may be sold, the number thereof, the amount received by him therefor, the date of such sale, and the date when the bond shall become due.

The treasurer may, from time to time, under the direction of the governor and council, sell such amount of said bonds or certificates as the public exigencies may require; and prior to said sale, the state treasurer is directed to cause to be inserted in the *Concord Monitor*, *Manchester Mirror*, *Nashua Telegraph*, *Portsmouth Chronicle*, and *Boston Advertiser*, public notice that sealed proposals for so much of this loan as is required will be received until a certain day specified in such notice, not less than thirty days from its first insertion; and such notice shall state the amount of the loan, what interest, when and where payable; such sealed proposals shall be opened on the day appointed in the notice, in the presence of the governor and secretary of state, and the treasurer shall accept the proposals most favorable to the state made by responsible parties.

Temporary loan provided for.

SECT. 3. In order to meet any temporary indebtedness that may become due before the negotiation of the bonds herein before mentioned, the treasurer, under the direction of the governor and council, is hereby authorized to borrow, from time to time, for the temporary use of the state, such sum or sums of money as may be necessary for that purpose, not exceeding the sum of two hundred and fifty thousand dollars, upon the best terms possible, the rate of interest not to exceed five (5) per cent per annum.

Takes effect, when.

SECT. 4. This act shall take effect on its passage.

[Approved August 9, 1878.]

CHAPTER 44.

AN ACT PROVIDING FOR ANNUAL REPORTS OF COUNTY OFFICERS.

SECTION

1. County officers to publish their reports annually in May.
2. What to contain.

SECTION

3. Record of purchases.
4. Repealing clause; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:

County officers to publish their reports annually in May.

SECT. 1. The sheriff, the jailer, the physician, the clerk of courts, the solicitor, the treasurer, the county commissioners, and the superintendent of the county farm of each county, shall make up their reports separately, to May first, annually, and the same shall be printed together in pamphlet form, in said month of May,

and said reports shall be distributed as now provided by law ; and in addition thereto it shall be the duty of the county commissioners to forward one copy of said pamphlet to the town clerk of each town in the county, to be placed on file by said officer for the information of the tax-payers.

SECT. 2. The reports of the several officers named in section one of this act shall contain a summarized account of all their transactions which concern the county, for the current year ending as aforesaid, and the report of the superintendent of the county farm shall contain, in addition, a list of the paupers actually supported at the farm, and the number of weeks each was so supported, and also a statement of the average cost per week for each pauper, with an explanation of the basis upon which said calculation was made. What to contain.

SECT. 3. Whenever supplies of any kind or description shall be furnished to the county, upon the order of any one of said officers, the bills for the same shall be placed on file, and a record of such purchases shall be entered in a book provided for that purpose, properly ruled in columns, and said entries shall state by whom ordered, the date of the purchase or contract, the name of the seller and his place of business, the quantity purchased, and the price paid for each article ; and said book shall at all times be open to the inspection of the tax-payers. Record of purchases.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. Repealing clause ; takes effect, when.
[Approved August 9, 1878.]

CHAPTER 45.

AN ACT IN RELATION TO THE TAXATION OF CERTAIN UNRECLAIMED LANDS.

SECTION

1. Reclaimed lands exempted from taxation.
2. Building-lots not exempt.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That any person who shall reclaim any swamp or swale lands by under-draining, ditching, or irrigation, either or both, in any other manner, for purposes of agriculture, shall be entitled to exemption from taxation on said improvement for a term of ten years from the time when said improvement shall be made to the satisfaction of the selectmen of the towns in which said lands are situated. Reclaimed lands exempted from taxation.

SECT. 2. The above act shall not apply to lands adjacent to villages or cities which shall be so improved for the purpose of building-lots or speculation. Building-lots not exempt.

SECT. 3. This act shall take effect from and after its passage. Takes effect, when.
[Approved August 9, 1878.]

CHAPTER 46.

AN ACT RELATING TO THE QUALIFICATIONS OF VOTERS IN SCHOOL-DISTRICTS.

SECTION

1. Women may vote at school-meetings.

SECTION

2. Repealing clause.

*Be it enacted by the Senate and House of Representatives in General Court convened:—*Women may
vote at school-
meetings.

SECT. 1. Any person, whether male or female, but in all other respects except sex qualified to vote in town affairs, may vote at any school-district meeting in the district in which such person has resided and had a home one month next preceding such meeting.

Repealing
clause.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved August 13, 1878.]

CHAPTER 47.

AN ACT IN AMENDMENT OF CHAPTER FIVE OF THE GENERAL STATUTES, IN RELATION TO THE PUBLIC PRINTER AND PUBLIC PRINTING.

SECTION

1. Compensation of public printer.

SECTION

2. Takes effect, when.

*Be it enacted by the Senate and House of Representatives in General Court convened:—*Compensation of
public printer.

SECT. 1. That said chapter five be amended by striking out section two of said chapter, and inserting the following:—

SECT. 2. For the faithful discharge of his duties he shall receive compensation as follows:—

FOR BOOK AND PAMPHLET WORK.

For plain composition, per one thousand ems, fifty cents; laws and statutes, per one thousand ems, fifty-five cents; irregular column work, per one thousand ems, face measure, seventy-five cents; rule and figure work, per one thousand ems, face measure, one dollar; any other irregular work at the discretion of the auditors.

Presswork, for form of sixteen pages, five hundred impressions, or less, dry pressed, two dollars and fifty cents; for each additional hundred impressions, thirty cents. For eight-page forms, law size, five hundred impressions, or less, dry pressed, two dollars and fifty cents; for each additional hundred impressions, thirty cents. For eight-page forms, common octavo size, five hundred impressions, or less, dry pressed, two dollars; for each additional hundred impressions, twenty-five cents.

BLANK AND CIRCULAR WORK AND COVERS.

For plain composition, per one thousand ems, fifty cents; irregular column work, per one thousand ems, face measure, seventy-five cents; rule and figure work, per one thousand ems, face measure, one dollar; blank work, with rules adjusted into body lines, face measure, seventy-five cents; any other irregular work at the discretion of the auditors.

Presswork for form of two hundred and fifty impressions, or less, one dollar and fifty cents; for each additional hundred impressions, not exceeding two thousand impressions in all, twenty cents; and for each additional hundred impressions, in excess of said two thousand impressions, fifteen cents.

Paper of cap size, or less, shall be worked and turned for the purpose of printing both sides.

For any work not herein before specified, the printer shall receive such compensation as shall be judged reasonable by the auditors.

ENVELOPES, LETTER HEADS, BILL HEADS, AND CARDS.

For five hundred impressions, including composition, two dollars; each additional hundred, twenty cents.

HOUR WORK.

For correcting proof by reason of alteration in author's copy, forty cents.

PAPER AND OTHER STOCK.

For paper and other stock, an addition of twenty per cent upon the actual cost, to be determined by the auditors.

BINDING AND RULING.

For binding and ruling, an addition of ten per cent upon the actual cost, to be determined by the auditors.

Work imperatively demanded, and required to be performed at night or out of the usual hours of labor, shall be compensated by an extra allowance at the discretion of the auditors.

All printing and binding shall be executed in a workmanlike manner to the acceptance of the secretary of state.

[SECT. 2.] This act shall take effect and be in force on and after June 1, 1879. Takes effect,
when.

[Approved August 16, 1878.]

CHAPTER 48.

AN ACT RELATING TO TAXATION OF LUMBER.

SECTION

1. Logs, etc., not in any town, taxable in nearest town.
2. Selectmen to tax them.

SECTION

3. Town to have lien for such taxes.
4. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Logs, etc., not in any town, taxable in nearest town.

SECT. 1. Timber, logs, and lumber lying in or upon any body of water of this state, outside the boundary or limits of any town therein, shall be taxed its full value in the town nearest and opposite such property.

Selectmen to tax them.

SECT. 2. The selectmen of said town shall, at the usual time of appraisal, make an inventory of the said property, and give notice to the owner thereof or his agent, immediately after the apportionment of the town tax, stating the amount of taxes thereon; and the said owner or owners shall pay, or cause to be paid, all the taxes thereon assessed, before the removal of the said property, or give satisfactory evidence to the town collector of his or their ability to pay such assessment.

Town to have lien for such taxes.

SECT. 3. Such town shall have a lien upon the said property for the payment of all taxes thereon; and any person removing such property before complying with the provisions of section two of this act shall be liable to a fine of not less than fifty dollars nor more than two hundred dollars; and it shall be the duty of the selectmen of said town to make complaint for a violation of the provisions of this act before some justice of the peace and of the quorum throughout the state, who, on sufficient evidence, shall hold the offender in sufficient surety for his appearance at the supreme court next holden in the county where said town is located or until such fine is paid; and the said fine shall go to the town making the complaint.

Repealing clause.

SECT. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 49.

AN ACT IN RELATION TO SELLING LIGHTNING-RODS.

SECTION

1. Penalty for selling lightning-rods without license.

SECTION

2. State treasurer to grant license ; fee.
3. Repealing clause ; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. Any person going about, in any way, in this state, carrying to sell, offering or exposing for sale, or putting up on buildings any kind of lightning-rods or lightning conductors, without license, shall be fined in a sum not exceeding one thousand dollars, or shall be confined in the county jail in the county where such offense is committed not exceeding one year, or shall be sentenced to both of said punishments, according to the nature of the offense ; and the person complaining shall be entitled to one-fourth part of the fine which may be recovered as aforesaid.

Penalty for selling lightning-rods without license.

SECT. 2. The treasurer of the state may grant such license for the term of one year, upon receiving from any applicant the sum of five hundred dollars, if the treasurer shall be satisfied, upon a scientific investigation, that such lightning-rods are sufficient for security against lightning, and the applicant is a person of good character ; fifty dollars of which sum shall be paid the state treasurer upon the filing of the application, to defray the expenses of said investigation.

State treasurer to grant license ; fee.

SECT. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect from and after its passage.

Repealing clause ; takes effect, when.

[Approved August 16, 1878.]

CHAPTER 50.

AN ACT FOR THE RELIEF OF THE TOWN OF RINDGE.

SECTION

1. State and county taxes abated.

SECTION

2. Takes effect, when ; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878, to be paid by the town of Rindge, in the county of Cheshire, twenty-five cents for every one thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said Rindge during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a new proportion for the assessment of public taxes." And the treasurer of the

State and county taxes abated.

county of Cheshire is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said Rindge in 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

Takes effect,
when; repealing
clause.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 51.

AN ACT TO LICENSE EXPRESS CORPORATIONS, COMPANIES, OR PERSONS CARRYING ON EXPRESS BUSINESS IN THIS STATE.

SECTION

1. Express companies to apply for license and pay two per cent of annual gross receipts therefor.
2. To make return of receipts to board of equalization; board to certify to treasurer; time of procuring license.
3. Companies may return number of miles on

SECTION

- which they do business instead of gross receipts.
4. Time covered by license.
5. Penalty for neglecting to make returns or payment.
6. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened: —

Express companies to apply for license and pay two per cent of annual gross receipts therefor.

SECT. 1. Every express corporation, company, or person doing express business on any railroad in this state, shall, annually, before the first day of August, apply to the state treasurer for a license authorizing the carrying on of said express business. And every such corporation, company, or person shall annually pay to the state treasurer, on or before the first day of September, for said license, two per cent of the gross receipts of said business for the year ending on the first day of August preceding. Said two per cent shall be on all of said express business done in this state, including a *pro rata* part on all express business coming from other states into this state, and on all going from this state to other states.

To make return of receipts to board of equalization; board to certify to treasurer; time of procuring license.

SECT. 2. Every such express corporation, company, or person shall, by its properly authorized agent or officer, annually, on or before the fifteenth day of August, make a return to the state board of equalization, verified by oath as to its correctness, stating the amount of said receipts for all express matter carried within the state of New Hampshire, as stated in section one of this act. And said board of equalization shall certify the same to the state treasurer, who shall thereupon notify said corporations, companies, or persons; and the amount of said licenses shall be paid in to the state treasurer on or before the first day of September following.

Companies may return number of miles on which they do business, instead of gross receipts.

SECT. 3. In lieu of paying the amount of license as provided in section one of this act, and making the return as provided in section two of this act, each express corporation, company, or person, as aforesaid, may pay to the state treasurer five dollars per mile for each mile as aforesaid, and may make return to the state board of

equalization, on or before the fifteenth day of August, annually, of the number of miles of railroad in this state on which said corporation, company, or person does express business, which return shall be verified by the oath of the officer or agent making the same; and said board of equalization shall certify said license to the state treasurer, who shall thereupon notify said parties and collect the amount of said license on or before the first day of September following.

SECT. 4. The license imposed upon corporations, companies, or persons, as aforesaid, shall be for the year commencing August 1, 1878, and for every subsequent year, and payable to the state treasurer on or before the first day of September of the succeeding year.

Time covered by license.

SECT. 5. If any express corporation, company, or person shall fail to make either the return to the state board of equalization provided for in section two or three of this act, on or before the first day of August, annually, or shall neglect to pay the amount of said license on or before the first day of September, annually, said board of equalization shall impose upon said express corporation, company, or person a penalty of ten dollars per mile on the number of miles of railroad in this state on which said corporation, company, or person does express business, and shall certify said penalty to the state treasurer, who shall thereupon notify said parties, and shall proceed to collect said penalty on or before the first day of October following, by an action of debt in the name of the state of New Hampshire.

Penalty for neglecting to make returns or payment.

SECT. 6. This act shall take effect from and after its passage. [Approved August 16, 1878.]

Takes effect, when.

CHAPTER 52.

AN ACT FOR THE RELIEF OF THE TOWN OF NEWPORT.

SECTION

1. State and county taxes abated.

SECTION

2. Takes effect, when; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Newport, in the county of Sullivan, ninety-two cents for every one thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said Newport during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a new proportion of public taxes." And the treasurer of the county of Sullivan is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said Newport in 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

State and county taxes abated.

Takes effect,
when; repealing
clause.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 53.

AN ACT TO RELIEVE THE TOWN OF CLAREMONT OF A PORTION OF ITS PUBLIC TAXES.

SECTION

1. State and county taxes abated.

SECTION

2. Takes effect, when; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

State and county
taxes abated.

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Claremont, in the county of Sullivan, one dollar and fifty-six cents for every one thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said Claremont during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a proportion for the assessment of public taxes." And the treasurer of Sullivan county is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said town of Claremont in the year 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

Takes effect,
when; repealing
clause.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 54.

AN ACT TO TAX THE TELEGRAPH LINES IN THIS STATE.

SECTION

1. Telegraph lines to pay tax of one per cent on their value.

SECTION

2. Assessment to be made by board of equalization and certified to state treasurer.
3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Telegraph lines
to pay tax of
one per cent on
their value.

SECT. 1. Every telegraph corporation, company, or person shall annually pay into the state treasury, for the use of the state, a tax of one per cent upon the value of any telegraph line owned or operated by said corporation, company, or person, including the office furniture or machinery. And said tax shall be paid on or before the first day of September.

SECT. 2. The board of state equalization shall appraise their said lines and office furniture and machinery at their actual value, and assess the corporation, company, or person on said valuation at the rate of one per cent, said assessment to be made in the month of August and certified to the state treasurer by the fifteenth of said month. The state treasurer shall thereupon notify said parties against whom the tax is assessed, and the same shall be paid into the treasury on or before the first day of September following; and the tax so assessed and paid shall be in lieu of all other taxes.

Assessment to be made by board of equalization, and certified to state treasurer.

SECT. 3. This act shall take effect from and after its passage. [Approved August 16, 1878.]

Takes effect, when.

CHAPTER 55.

AN ACT TO FACILITATE THE UNITING OF SCHOOL-DISTRICTS.

SECTION

1. Towns without school-districts may apply part of school money to convey children to school.
2. School-districts may.

SECTION

3. Small districts may send children to other districts and apply money to convey them.
4. Money expended and at whose direction.
5. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Any town not divided into school-districts, and any town in which all the school-districts are, or shall be, united, may take and use a part of the school money, not exceeding ten per cent, for the conveyance to and from school of pupils residing not less than one mile and a half from the school.

Towns without school-districts may apply part of school money to convey children to school.

SECT. 2. Any school-district, by a major vote at any legal school-meeting in the district, may authorize the prudential committee of said district to use a part of the school money appropriated to the district for school purposes, not exceeding ten per cent, for the conveyance to and from the school of pupils living more than one mile and a half from the school.

School-districts may.

SECT. 3. School-districts having less than twelve scholars to attend any term of school may, by vote, at their annual or other legal meeting called for that purpose, authorize the prudential committee to provide for the attendance of pupils at the schools of adjoining districts, the selection of such schools to be approved by the school committee of the town. And in such cases the prudential committee is authorized to appropriate an amount not exceeding ten per cent, as in section first provided, and to divide the remainder of the money appropriated for the term in the district among the adjoining districts in proportion to the pupils by them received.

Small districts may send children to other districts and apply money to convey them.

SECT. 4. All money appropriated under the provisions of sections one and two of this act shall be expended under the order and at the discretion of the officers charged with the prudential affairs of the district.

Money expended and at whose direction.

SECT. 5. This act shall take effect on its passage. [Approved August 16, 1878.]

Takes effect, when.

CHAPTER 56.

AN ACT TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE GENERAL LAWS.

SECTION

1. Commissioners to revise statutes to prepare General Laws for the public printer.
2. Quality of paper and binding.
3. Number of copies to be printed ; sale of copy-right.
4. Distribution of General Laws.

SECTION

5. Label to be inserted in each volume distributed.
6. General Laws not to be published in newspapers.
7. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened: —

Commissioners to revise statutes, to prepare General Laws for the public printer.

SECT. 1. The commissioners heretofore appointed to revise and compile the statutes are requested, as soon as may be, to incorporate therein, so far as practicable, the laws which have been or may be passed at the present session ; correct and add to the title and chapter headings, sectional abstracts and numbers, marginal notes, references and citations in the General Laws, as reported by them, so far as it may be rendered necessary and proper by the amendments of the legislature, and the laws which have been or may be passed at the present session ; and add to the marginal citations references to the New Hampshire reports which contain decisions construing any provisions of the laws ; prepare a full and complete digested index of all the subject matter and things embraced in the constitution of the United States and this state, and in said General Laws as adopted by the legislature, with a brief glossary of technical words and phrases employed therein ; and to superintend the printing of the whole in a single octavo volume, conforming generally as to size and style of page with the General Statutes, with the exception that the number of each title and chapter shall be expressed in figures.

Quality of paper and binding.

SECT. 2. Said General Laws shall be printed on good heavy paper, shall be well and strongly bound in good law sheep, and properly lettered on the back.

Number of copies to be printed ; sale of copy-right.

SECT. 3. Said commissioners shall cause one thousand copies of said General Laws to be so printed and bound under their direction by the state printer, for the use of the state, on or before the first day of January next. They shall receive proposals, and contract for the sale of the copyright of the said General Laws as against all other persons than the state, and provide for the publication and sale of said volume to the public on or before the first day of January next, upon the most favorable terms which they can obtain, and not exceeding five dollars per copy ; and they may require satisfactory security to the state for the performance of such contract. Said commissioners, in making such contract, shall not stipulate for the payment of money to the state for said copyright, but for the sale of said volume to the public at the lowest practicable price.

Distribution of General Laws.

SECT. 4. The one thousand copies of said volume, herein before provided for, shall be delivered to the secretary of state, who shall distribute the same as follows : To each town in the state, for the use of said town ; to each member and officer of the present execu-

tive and legislative departments of the state government; to each of the clerks of the senate and house; to each of the legislative reporters of the present session; to each of the commissioners to revise the statutes; to the head of each department of the state government, for the use of their respective offices; to each of the justices of the supreme court; to clerk of said court, for the use of said court; to each judge and register of probate; and to each register of deeds, for the use of their respective offices; to each board of county commissioners, for the use of the county; to the attorney-general and each solicitor, for the use of their respective offices; to the judge of each police court, for the use of the court; to the clerk of the supreme court of the United States, for the use of said court; to each judge of the circuit court of the United States for the district of New Hampshire; and the judge of the district court for said district, for the use of their respective offices; to the clerk of each of said courts, for the use of said courts; to the department of justice and each of the executive departments at Washington; to each society, college, and library entitled to receive a copy of the laws, journals, and reports; to the secretary of each of the British Provinces of North America, for the use of the government of said province, each one copy; to the secretary of each state and territory of the Union, for the use of such state or territory, and to the library of congress, two copies; to the state library, for the use of said library and of the committee rooms, fifteen copies; and the remaining copies of said volume shall be by the said secretary deposited in the large brick safe connected with his office, and he shall be held responsible and account therefor.

SECT. 5. The secretary of state shall insert in each volume distributed a label by him signed and dated, and stating that the same is presented by the state, to whom, and for what use.

Label to be inserted in each volume distributed.

SECT. 6. So much of the statute laws as might require the publication of the act entitled, "An act revising, compiling, and consolidating the General Laws of the state," in the several newspapers authorized to publish the laws, is hereby suspended, and said act shall not be published in such papers.

General Laws not to be published in newspapers.

SECT. 7. This act shall take effect upon its passage.

Takes effect, when.

[Approved August 16, 1878.]

CHAPTER 57.

AN ACT TO RELIEVE THE TOWN OF MASON OF A PORTION OF ITS PUBLIC TAXES.

SECTION

1. State and county taxes abated.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Mason, in the county of Hillsborough, ten cents for every one

State and county taxes abated.

thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said Mason during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a proportion for the assessment of public taxes." And the treasurer of Hillsborough county is hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said town of Mason in the year 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

Takes effect,
when.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 58.

AN ACT RELATING TO THE SALARIES OF THE JUDGE AND REGISTER OF PROBATE FOR THE COUNTY OF BELKNAP.

SECTION

1. Salaries of judge and register increased.

SECTION

2. Repealing clause ; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

Salaries of judge
and register
increased.

SECT. 1. That the annual salary of the judge of probate for the county of Belknap shall be three hundred dollars, and the annual salary of the register of probate for said county shall be three hundred and twenty-five dollars, instead of the several sums now by law allowed.

Repealing
clause ; takes
effect, when.

SECT. 2. All acts inconsistent with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

[Approved August 16, 1878.]

CHAPTER 59.

AN ACT TO LICENSE BILLIARD-TABLES AND BOWLING-ALLEYS.

SECTION

1. Billiard-tables, etc., to pay license of \$10 each.

SECTION

2. Penalty for not procuring license.
3. License in lieu of taxes.

Be it enacted by the Senate and House of Representatives in General Court convened :—

Billiard-tables,
etc., to pay li-
cense of \$10
each.

SECT. 1. The owner or person having charge of any billiard-table or bowling-alley, kept for hire, shall pay for a license the sum of ten dollars on every billiard-table or bowling-alley so kept to the

town or city where the same shall be kept, on or before the first day of May, annually. The clerk of every town and city shall issue such license to any person applying for the same on or before the first day of May, annually; said license shall specify the number of billiard-tables and bowling-alleys said person shall be allowed to keep for hire in said town or city, and shall not be issued till said person has paid to said clerk the sum of ten dollars for every billiard-table and bowling-alley he shall be authorized by said license to so keep. Said clerk shall keep a copy of every license so issued, and shall pay over the money received for said licenses to the town or city treasurer on or before the first day of June, annually, less the sum of fifty cents for every license, which he shall retain for his fee for issuing the same.

SECT. 2. And every owner or person having any billiard-table or bowling-alley in his charge, who keeps the same for hire, and who shall not procure and pay for a license for keeping the same, on or before the first day of May, annually, in each year, shall be liable to a penalty of twenty dollars for every billiard-table or bowling-alley so kept to such town or city, to be recovered in an action of debt in the name of said town or city against said owner or the person having the same in charge.

Penalty for not
procuring li-
cense.

SECT. 3. This license or penalty shall be in lieu of all taxes on said billiard-table or bowling-alley so kept for hire.

License in lieu
of taxes.

[Approved August 16, 1878.]

CHAPTER 60.

AN ACT PROVIDING FOR THE ANNUAL ELECTION OF TOWN OFFICERS IN MARCH, AND FOR A BOARD OF SUPERVISORS OF THE CHECK-LIST.

SECTION

- 1. Town officers to be elected annually.
- 2. Act repealed.
- 3. Check-list to be used in the election of moderator.
- 4. Selectmen not to be supervisors.
- 5. Supervisors to be elected biennially.
- 6. Hearings for correction of check-lists; name left off by mistake.

SECTION

- 7. Notice and sessions for hearings.
- 8. Chairman to preside until moderator is chosen.
- 9. Copy of list and oath thereon.
- 10. Supervisors to be sworn.
- 11. Vacancy, how filled.
- 12. Repealing clause.
- 13. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Town-meetings for the choice of all town officers shall be holden annually on the second Tuesday of March.

Town officers to
be elected an-
nually.

SECT. 2. Sections one and two of chapter seventy-four of the Pamphlet Laws passed June session, 1877, are hereby repealed.

Act repealed.

SECT. 3. The check-list shall be used at all times in the election of moderator.

Check-list to be
used in the elec-
tion of mod-
erator.

SECT. 4. The selectmen, during the term of their office, shall not hold the office of supervisors of the check-list.

Selectmen not to
be supervisors.

SECT. 5. A board of supervisors, consisting of three legal voters in each town, shall be elected at the biennial election to be holden

Supervisors to
be elected bi-
ennially.

in November next by major vote, and at each biennial election thereafter, whose duty shall be to make out and post up, at two or more of the most public places in town, a full and complete alphabetical list of all the legal voters in said town, fourteen days before the day of said election at which such list is required to be used ; and the check-list shall be used at all times in the elections of supervisors.

Hearings for correction of check-lists ; name left off by mistake.

SECT. 6. Said supervisors shall hold sessions at some suitable place for the correction of said check-list. They shall hear all applications for putting on new names, or for striking off names put on, and all evidence offered in support of such applications, and shall correct said check-list accordingly. All persons whose names are entered upon said list shall be deemed legal voters, and no person whose name is not upon said list shall be allowed to vote, unless his name was left off by mistake, and his right clearly known to the supervisors before the list was made out ; said supervisors shall have power to administer oaths to all persons who testify before them in regard to the right of any person claiming to be a voter.

Notice and sessions for hearings.

SECT. 7. The time and place of the hearings of said supervisors shall be stated upon the posted check-lists, giving the days of the hearing, and hour at which the hearing commences ; and they shall be in session two days before the day of election. In all towns where there are more than six hundred legal voters, the first meeting shall be six days before the day of election, and the hearings shall be adjourned from day to day until the claims of all applicants shall be heard and decided ; and all hearings shall close on the day before the day of election.

Chairman to preside until moderator is chosen.

SECT. 8. The chairman of the board of supervisors shall call the town-meeting to order and preside until a moderator is chosen : and it shall be the duty of the supervisors to remain in attendance upon said meeting, during the day of election.

Copy of list and oath thereon.

SECT. 9. An attested copy of said check-list, as corrected, shall be lodged with the town-clerk on the day of election before the opening of the meeting ; and before said meeting is opened said supervisors shall subscribe and make oath to the same certificates upon the back of said corrected list as is now required by law to be made by selectmen.

Supervisors to be sworn.

SECT. 10. Said board of supervisors shall, before entering upon the duties of their office, be sworn to the faithful discharge of their duties, and shall be subject to all the liabilities and penalties to which selectmen are now liable for any omissions of duty or any violations of law in performing the duties of their office.

Vacancy, how filled.

SECT. 11. In case of death, resignation, or removal of a supervisor of the check-list of any town, it shall be the duty of the remaining supervisors to fill the vacancy by an appointment in writing, which appointment shall be recorded by the town-clerk, and the supervisor thus appointed shall be duly sworn.

Repealing clause.

SECT. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect, when.

SECT. 13. This act shall take effect upon its passage.

[Approved August 16, 1878.]

CHAPTER 61.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF A STATE TAX.

SECTION 1. State tax of \$400,000 provided for.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The sum of four hundred thousand dollars shall be raised for the use of the state, and shall be assessed, collected, and paid into the treasury on or before the first day of December, in the year of our Lord 1879; and the state treasurer is hereby directed seasonably to issue his warrant to the selectmen of the several towns and places, and to the assessors of the several cities in this state, according to the apportionment of the public taxes made June session, 1876; and the selectmen of such towns and places, and the assessors of such cities, are hereby required to assess the sums specified in said warrant, and cause the same to be paid to said treasurer on or before the first day of December, in the year of our Lord 1879, and the state treasurer is hereby authorized to issue his extents for all the taxes which shall then remain unpaid.

[Approved August 16, 1878.]

CHAPTER 62.

AN ACT FOR THE RELIEF OF THE TOWN OF LISBON.

SECTION

1. State and county taxes abated.

SECTION

2. Takes effect, when; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Lisbon, in the county of Grafton, fifty-five cents for every one thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said Lisbon during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a new proportion for the assessment of public taxes." And the treasurer of the county of Grafton is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said Lisbon in 1878, and subsequently until a new proportion for assessment of public taxes shall be made.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 63.

AN ACT FOR THE RELIEF OF THE TOWN OF LEBANON.

SECTION

1. State and county taxes abated.

SECTION

2. Takes effect, when ; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened : —

State and county
taxes abated.

SECT. 1. The state treasurer is hereby authorized and required to abate from the state tax for 1878 to be paid by the town of Lebanon, in the county of Grafton, one dollar and forty-two cents for every one thousand dollars of the entire state tax, and to make the same proportional abatement annually thereafter of the state tax to be paid by said Lebanon during the period of apportionment fixed by the act of July 20, 1876, entitled, "An act to establish a new proportion for the assessment of public taxes." And the treasurer of the county of Grafton is also hereby authorized and required to make a proportional annual abatement from the amount of county tax to be paid by said Lebanon in 1878, and subsequently until a new proportion for the assessment of public taxes shall be made.

Takes effect,
when ; repealing
clause.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved August 16, 1878.]

CHAPTER 64.

AN ACT IN AMENDMENT OF CHAPTER TWO HUNDRED AND FIFTEEN OF THE GENERAL LAWS, RELATING TO REVIEWS AND NEW TRIALS.

SECTION

1. Right of review abrogated.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened : —

Right of review
abrogated.

SECT. 1. That sections one, two, three, four, eleven, twelve, and thirteen of chapter two hundred and fifteen of the General Statutes, relating to reviews and new trials, be and hereby are repealed.

Takes effect,
when.

SECT. 2. This act shall take effect from and after its passage.

[Approved August 17, 1878.]

CHAPTER 65.

AN ACT IN AMENDMENT OF CHAPTER TWO HUNDRED AND THIRTEEN OF THE GENERAL LAWS, REQUIRING THE JUDGES OF THE SUPREME COURT TO PUBLISH AN ABSTRACT OF THEIR OPINIONS.

SECTION 1. Act amended.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Section one of chapter two hundred and thirteen of Act amended. the General Laws, approved August 6, 1878, is hereby repealed.
[Approved August 17, 1878.]

CHAPTER 66.

AN ACT IN AMENDMENT OF AN ACT ENTITLED, "AN ACT TO RE-ORGANIZE AND EQUALIZE THE SENATORIAL DISTRICTS ACCORDING TO THE AMENDED CONSTITUTION," PASSED JUNE SESSION, 1877.

SECTION

1. Croydon and Sunapee annexed to district 7.

SECTION

2. Repealing clause ; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the town of Croydon, in the county of Sullivan, Croydon and Sunapee annexed to district 7. be severed from senatorial district No. 3 and annexed to senatorial district No. 7, and the town of Sunapee be severed from senatorial district No. 8 and annexed to senatorial district No. 7.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect Repealing clause ; takes effect, when upon its passage.

[Approved August 17, 1878.]

CHAPTER 67.

AN ACT TO APPORTION AND DEFINE THE REPRESENTATION OF TOWNS, PLACES, AND WARDS, AS REQUIRED BY THE AMENDED CONSTITUTION.

SECTION

1. Towns classed.

2. Towns that elect in 1878 and 1880.

3. Towns whose boundaries have been changed.

4. Apportionment according to census of 1870.

SECTION

5. Roll of representatives, how and by whom made.

6. Words defined.

7. Repealing clause ; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the following-named towns and places, not hav- Towns classed. ing the constitutional number of inhabitants each for a representa-

tive in the general court, are hereby classed for the election of representatives, and each class may elect one representative biennially, to wit:—

Class 1.	CLASS 1. Clarksville and Pittsburg.
Class 2.	CLASS 2. Berlin and Randolph.
Class 3.	CLASS 3. Franconia and Lincoln.
Class 4.	CLASS 4. Ellsworth, Waterville, and Woodstock.
Class 5.	CLASS 5. Easton and Landaff.
Class 6.	CLASS 6. Groton and Hebron.
Class 7.	CLASS 7. Gilsun and Sullivan.
Class 8.	CLASS 8. Nelson and Roxbury.
Class 9.	CLASS 9. Bennington and Greenfield.
Class 10.	CLASS 10. Fremont and Sandown.
Class 11.	CLASS 11. East Kingston and South Hampton.
Class 12.	CLASS 12. Jackson, Livermore, and Hart's Location.

Towns that elect
in 1878 and 1880.

SECT. 2. That of the remaining towns and wards, those not having the constitutional number of inhabitants as shown by the census of 1870, and being so situated that they cannot conveniently be classed; and such as are not classed by section one of this act, those herein after named, are hereby authorized to each elect a representative such proportionate part of the time as the number of its inhabitants as shown by the census of 1870 shall bear to six hundred; that is to say, they shall elect as follows; to wit, Albany, Atkinson, Bridgewater, Brookfield, Carroll, Center Harbor, Danville, Dublin, Dummer, Goshen, Langdon, Mason, Madbury, Manchester ward eight, Monroe, Orange, Surry, and Temple, in the year 1878; and Atkinson, Benton, Center Harbor, Chatham, Danville, Dublin, Errol, Greenville, Goshen, Harrisville, Langdon, Litchfield, Madbury, Manchester ward eight, Middleton, Newington, Sharon, Shelburne, and Stark, in the year 1880; and none of said towns or wards named in section two of this act shall elect except as herein provided.

1878.

1880.

Towns whose
boundaries have
been changed.

SECT. 3. That the following-named towns and wards, having had their boundary lines changed since the last census, are hereby authorized to elect representatives; that is to say, Bethlehem, Concord wards one, two, three, and seven; Dover wards one and five; Durham, Franchestown, Hampstead, Keene wards one, two, three, four, and five; Lyndeborough, Marlborough, Meredith, Nashua wards one, two, three, four, five, seven, and eight; Portsmouth wards three and four, Rye, Sanbornton, Tilton, and Troy, may each elect one representative biennially; and Concord wards four, five, and six; Dover wards two, three, and four; Laconia, Manchester wards one, two, six, and seven; Milford, and Newmarket, may each elect two representatives biennially; and Gilford, Manchester ward five, Nashua ward six, and Portsmouth wards one and two, may each elect three representatives biennially; and Manchester wards three and four may each elect four representatives biennially; and none of the towns or wards named in section three of this act shall elect except as herein provided.

One representa-
tive.

Two.

Three.

Four.

Apportionment
according to cen-
sus of 1870.

SECT. 4. That the following-named towns, none of which had eighteen hundred inhabitants as shown by the census of 1870, may each elect one representative biennially; namely, Acworth, Alexandria, Allenstown, Alstead, Alton, Amherst, Andover, Antrim, Ashland, Auburn, Bath, Barnstead, Barrington, Bartlett, Bedford,

Belmont, Boscawen, Bow, Bradford, Brentwood, Bristol, Brookline, Campton, Candia, Canterbury, Charlestown, Chester, Chesterfield, Chichester, Colebrook, Columbia, Conway, Cornish, Croydon, Danbury, Dalton, Deerfield, Deering, Dorchester, Dunbarton, Eaton, Effingham, Enfield, Epping, Epsom, Fitzwilliam, Freedom, Gilmanton, Goffstown, Gorham, Grafton, Grantham, Greenland, Hampton, Hampton Falls, Hancock, Henniker, Hill, Hillsborough, Hinsdale, Holderness, Hollis, Hooksett, Hudson, Jaffrey, Jefferson, Kensington, Kingston, Lee, Lempster, Londonderry, Loudon, Lyman, Lyme, Madison, Marlow, Merrimaek, Milan, Milton, Mount Vernon, Moultonborough, New Boston, Newbury, Newcastle, New Durham, New Hampton, New Ipswich, New London, Newton, Northfield, North Hampton, Northumberland, Northwood, Nottingham, Orford, Pelham, Piermont, Pittsfield, Plainfield, Plaistow, Plymouth, Raymond, Richmond, Rindge, Rollinsford, Runney, Salem, Salisbury, Seabrook, South Newmarket, Springfield, Stewartstown, Stoddard, Strafford, Stratford, Stratham, Sunapee, Sutton, Swanzy, Tamworth, Thornton, Tuftonborough, Unity, Wakefield, Warner, Warren, Washington, Webster, Wentworth, Westmoreland, Whitefield, Wilmot, and Windham; and the following-named towns, none of which had thirty hundred inhabitants as shown by the census of 1870, may each elect two representatives biennially; namely, Canaan, Derry, Farmington, Franklin, Hanover, Haverhill, Hopkinton, Lancaster, Lisbon, Littleton, Newport, Ossipee, Pembroke, Peterborough, Sandwich, Walpole, Weare, Wilton, Winchester, and Wolfeborough; and the following-named towns, none of which had forty-two hundred inhabitants as shown by the census of 1870, may each elect three representatives biennially; namely, Claremont, Exeter, Lebanon, and Rochester; and the town of Somersworth, not having had fifty-four hundred inhabitants as shown by the census of 1870, may elect four representatives biennially, and none of the towns named in section four of this act shall elect except as herein provided.

Towns having less than 1,800 inhabitants.

Less than 3,000.

Less than 4,200.

Less than 5,400.

SECT. 5. That the clerk of the preceding house of representatives, in making up the roll of members elect for use in the organization of the house, shall place upon said roll only the names of those presenting certificates of election duly issued in conformity to the requirements of the amended constitution and the provisions of this act, and if from any town, ward, or class are presented certificates for more representatives than such town, ward, or class is entitled to under the provisions of this act, then said clerk shall not enter any name from such town, ward, or class, until the house, after organization, shall have determined which, if any, of such names may be placed upon said roll.

Roll of representatives, how and by whom made.

SECT. 6. The word "ward" or "town," as used in this act, shall in all cases, where the boundary lines of a ward or town have been or shall be altered or changed at this session of the legislature, be construed to mean the ward or town newly constituted by such alteration or change.

Words defined.

SECT. 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause: takes effect, when.

[Approved August 17, 1878.]

CHAPTER 68.

AN ACT AUTHORIZING THE SELECTMEN OF TOWNS TO RE-ASSESS TAXES
IN CERTAIN CASES.

SECTION

1. Property assessed to wrong person, or not at all, may be within the year.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Property as-
sessed to wrong
person, or not at
all, may be with-
in the year.

SECT. 1. That if the selectmen, before the expiration of the year for which a tax has been assessed, shall discover that the same has been taxed to a person not by law liable, they may, upon abatement of such tax and upon notice to the person liable for such tax, impose the same upon the person so liable. And, also, if it shall be found that any person or property shall have escaped taxation, the selectmen, upon notice to the person, shall impose a tax upon the person or property so liable.

Takes effect,
when.

SECT. 2. This act shall take effect on its passage.

[Approved August 17, 1878.]

CHAPTER 69.

AN ACT IN ADDITION TO AND AMENDMENT OF CHAPTER FIFTY-ONE OF
THE GENERAL STATUTES, ENTITLED, "ANNUAL INVOICE OF POLLS AND
TAXABLE PROPERTY."

SECTION

1. Secretary of state to prepare and furnish blank inventories to assessors.
2. Assessors to deliver them to persons liable to be taxed; to be returned to assessors filled out and sworn to.
3. In case of corporations, trustees, etc.
4. Doomage for making no return, or a false one.

SECTION

5. Notice of sessions for hearing parties in regard to their liability.
6. Penalty for neglect of duty by assessors.
7. Inventory may be received after the 15th of April in certain cases.
8. Willful false swearing, perjury.
9. Substance of tax-payer's oath.
10. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Secretary of
state to prepare
and furnish
blank invento-
ries to assessors.

SECT. 1. It shall be the duty of the secretary of state annually, on or before the first day of March, to furnish, at the expense of the state, to the selectmen of each town and the assessors of the several cities, blank inventories, in convenient form, sufficient in number to meet the requirements of this act, and of all acts relating to the taxation of estates; which said blank inventories shall be by him arranged in proper form, and with suitable interrogatories therefor. And said blanks shall be so arranged and formulated by said secretary, as to require, under oath, and in answer to interrogatories therein set down, full information to be given therein by the person or corporation to be taxed, of the classes, in gross, and the

amount thereof of each class, of his property and estate, and the value, by such classes, of his personal property and estate liable to be taxed, and such further information as will enable the selectmen or assessors to assess such property and estate at its true value.

SECT. 2. The selectmen and assessors shall deliver such blank inventory, or cause the same to be delivered, in hand to or left at the usual place of abode or business of every person or corporation in their respective towns or cities, who, upon due inquiry by such selectmen or assessors, they shall have good cause to believe is liable to be taxed therein for any personal estate. And the same shall be so delivered or left, on or before the twentieth day of March in each year : and every such person or corporation shall, on or before the fifteenth day of April next thereafter, answer, in writing, in said inventory, the questions in said inventory set down and contained, and shall otherwise properly fill out said inventory, and subscribe and make oath to the truth of the same before some justice of the peace or a selectman or assessor, any one of whom is hereby empowered and authorized to administer such oath, so that the same may and shall furnish full and correct information of all such matters as are in said inventory, and, by the interrogatories therein set down, required, and deliver and return the same to said selectmen or assessors on or before said fifteenth day of April.

Assessors to deliver them to persons liable to be taxed ; to be returned to assessors filled out and sworn to.

SECT. 3. In case of corporations, such inventory shall be delivered to or left at the usual place of abode or business of the officer thereof on whom it is by law required that writs shall be served : and such corporation shall make the required return by its president or other principal officer. In case of property or estate belonging to trustees, estates of deceased persons and guardians, and of property or estate not in the care or possession of the owner, such notice shall be given to and such return of inventory shall be made by the person to whom the property is by law taxable.

In case of corporations, trustees, etc.

SECT. 4. Upon the return of such inventory, the selectmen or assessors, upon examination of the same, shall assess a tax against such person or corporation liable to taxation, according to the statement therein contained. If any such person or corporation shall willfully omit to make, deliver, and return such inventory, or to answer any interrogatory therein, as by this act required, or shall make any false answer or statement therein, or in relation to his estate or property for which he is taxable, or if the selectmen or assessors shall be dissatisfied with such inventory so returned, the selectmen or assessors shall ascertain otherwise, as nearly as may be, the amount and value of the property and estate for which, in their opinion, he is liable to be taxed, and shall then set down to such person or corporation, by way of doamage, four times as much as such estate, if so inventoried and returned, would be legally taxable.

Doomage for making no return, or a false one.

SECT. 5. The selectmen or assessors shall, on the first Monday of April in each year, give public notice of the times and places where they will be in session for the purpose of receiving such inventory, and of hearing all parties in regard to their liability to taxation. Such notice shall state the time when such session will commence and close, and shall be posted in one or more public places in said town or city, and in case a newspaper is printed in

Notice of sessions for hearing parties in regard to their liability.

said town or city, then also by publication in said newspaper, and by such other means as they shall think proper.

Penalty for neglect of duty by assessors.

SECT. 6. If any selectman or board of selectmen, or assessor or board of assessors, shall neglect to so deliver or cause to be so delivered, said blank inventory in hand, or to be left at the usual place of abode or business of any person or corporation in their respective towns or cities liable to be taxed therein, in the way and manner prescribed in this act, when such selectman or board of selectmen, or assessor or board of assessors, shall have good cause or reason to believe such person or corporation to be the owner of or liable to be taxed therein for personal estate ; or shall be guilty of the willful violation of any of the provisions of this act, or shall willfully neglect or omit to perform any duty imposed upon him or them by this act, or by any law of the state, or shall willfully omit or fail to enforce any of the provisions of this act or of said laws, he or they shall forfeit for each offense the sum of two hundred dollars, to be recovered by any person who will first sue therefor.

Inventory may be received after the 15th of April in certain cases.

SECT. 7. The selectmen and assessors are authorized to receive such inventory before the first day of May from any person or corporation who they shall be of the opinion was prevented from making and returning the same before the fifteenth day of April, by accident, misfortune, or mistake.

Willful false swearing, perjury.

SECT. 8. If any person shall willfully swear falsely in violation of the provisions of this act, he shall be deemed guilty of perjury and punished accordingly.

Substance of tax-payer's oath.

SECT. 9. The oath required of the tax-payers in and by said inventory shall be, that, according to the best of his knowledge, or belief, said inventory contains a true statement of all his or their property liable to taxation, and that he or they have not conveyed or disposed of any property or estate in any manner for the purpose of evading the provisions of this act.

Repealing clause.

SECT. 10. Sections two, four, five, and six of said chapter fifty-one are hereby repealed.

[Approved August 17, 1878.]

CHAPTER 70.

AN ACT PROVIDING FOR THE TAXATION OF RAILROADS.

SECTION

1. Railroads to be assessed upon their actual value.
2. To be determined by state board of equalization.
3. Railroads to furnish evidence of value.

SECTION

4. Hearings and determination of board.
5. Doomage for neglect to furnish required evidence.
6. Payment of tax and penalty for default.
7. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened : —

Railroads to be assessed upon their actual value.

SECT. 1. Every railroad corporation in this state, not exempted from taxation by chapter eighteen of the Pamphlet Laws passed June session, 1868, shall pay to the state an annual tax upon the

actual value of the road, rolling stock, and equipments on the first day of April of each year, as near as may be in proportion to the taxation of other property in April of each year, in the several towns and cities in which such railroad is located, to be distributed according to existing laws.

SECT. 2. The state board of equalization shall determine the actual value of every railroad liable to taxation, and the rate at which the same shall be taxed. To be determined by state board of equalization.

SECT. 3. Every such corporation shall furnish to the state board of equalization all evidence necessary for their action, or which may be required by them. Railroads to furnish evidence of value.

SECT. 4. The state board of equalization shall appoint a time and place of hearing, shall hear all parties interested, and shall file a certificate of their determination with the state treasurer. Hearings and determination of board.

SECT. 5. If any railroad corporation shall neglect seasonably to lay the required evidence before the state board of equalization, they shall be doomed to pay a tax of two per cent on their authorized capital stock and debt, reckoned at the par value, and certificates thereof shall be filed with the state treasurer. Doomage for neglect to furnish required evidence.

SECT. 6. Every railroad corporation shall pay to the state treasurer, in the month of September, annually, the tax so assessed; and, upon their neglect, the state treasurer shall add thereto interest after such default at the rate of ten per cent per annum, and shall issue his extent for the sum unpaid, and for interest as aforesaid until payment is made; and all property of the corporation on the first day of April preceding, shall be liable for its payment. Payment of tax and penalty for default.

SECT. 7. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

[Approved August 17, 1878.]

CHAPTER 71.

AN ACT IN RELATION TO THE DISTRIBUTION OF THE GEOLOGICAL SURVEY OF THE STATE.

SECTION

1. Distribution and sale of state geology.

SECTION

2. Takes effect, when; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The governor, with the advice of the council, is hereby authorized and empowered to distribute copies of the geological survey to such scientific men and literary institutions as he may deem best, not exceeding fifty in number, and that the trustees of the library be authorized to sell of those which remain a number of sets not exceeding four hundred in all, at the rate of four dollars a volume; and that they may be as equitably distributed as possible. said trustees shall, upon application of the selectmen of any town or ward in this state, sell to said town or ward, or to any person or persons, or to any public library whose applications shall be en- Distribution and sale of state geology.

dorsed by said selectmen, a number of copies equal to the number of representatives to which said town or ward was entitled at the present session of the legislature, and said trustees shall sell only upon such application or endorsement.

Takes effect,
when; repealing
clause.

SECT. 2. This act shall take effect on its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.
[Approved August 17, 1878.]

CHAPTER 72.

AN ACT ENTITLED AN ACT REGULATING THE KILLING OF DEER IN COOS COUNTY.

SECTION

1. Deer in Coos county may be killed, when.
2. Repealing clause.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Deer in Coos
county may be
killed, when.

SECT. 1. It shall be lawful to kill deer within the limits of Coos county between the first day of August and the first day of December in any year.

Repealing
clause.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect,
when.

SECT. 3. This act shall take effect on its passage.

[Approved August 17, 1878.]

CHAPTER 73.

AN ACT TO PROVIDE FOR A STATE BOARD OF EQUALIZATION AND TO DEFINE ITS DUTIES.

SECTION

1. Board of equalization, by whom appointed; term of office and duties.
2. Meetings, organization and records.
3. Oath of office.
4. Selectmen to return inventories to secretary of state, annually; to county commissioners, once in four years; commissioners to make personal examination and equalize appraisement; to meet with board of equalization; rules for their government.
5. Secretary to lay the returns before the board.

SECTION

6. Commissioners to act with board; their compensation.
7. Board to examine inventories once in four years; to make additions or deductions; to certify and file with secretary of state.
8. Secretary to furnish blank inventories, and procure printed abstracts for legislature.
9. Quorum; party aggrieved may petition supreme court.
10. Compensation of board.
11. Repealing clause; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Board of equal-
ization, by whom
appointed; term
of office and
duties.

SECT. 1. There shall be a state board of equalization, to consist of five members to be nominated and appointed by the supreme court and commissioned by the governor (who shall hold their

office for two years and until others are appointed in their stead), whose duty it shall be to assess the taxes upon the several railroads within the state, to perform the duties now devolving upon the apportionment committee of the house of representatives, and to perform such other duties as may from time to time be imposed upon them by the legislature.

SECT. 2. The board shall meet at the capitol, in Concord, on the first Tuesday in May of each year, and shall organize by the choice of a chairman and secretary from the members of the board. The board may adjourn from time to time, until the business before it is completed. The secretary of the board shall keep a record of their proceedings, which shall be certified by the chairman and secretary and filed in the office of the secretary of state.

Meetings, organization and records.

SECT. 3. The several persons constituting the board shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office, which oath shall be filed and preserved with the proceedings of the board.

Oath of office.

SECT. 4. The selectmen of every town, at the expense of the town, shall, on or before the first day of May of each year, transmit to the secretary of state an entire inventory of the polls and ratable estate of such town, as taken in April for that year. Said inventories shall contain the footings of each column of the invoices of all polls and property taxed in the town in April of that year. They shall also report the amount of the tax levied upon the inventory for all purposes, and the rate per cent of taxation for all purposes in their respective towns. They shall also transmit, on or before the first day of September, 1878, and on or before the first day of September every fourth year thereafter, to the county commissioners of their county, the entire inventory of the polls and ratable estate of their respective towns taken in April for that year. It shall be the duty of the county commissioners of each county, once in four years, commencing on the second Tuesday of September, 1878, to visit every town in their county and personally inspect so much of the real and personal estate in said towns as they deem necessary in order to judge whether said property is appraised at a higher or lower rate than its true value (not to exceed two days in any one town), and upon completing said inspection they shall proceed to equalize the appraisal of each town in said county. The chairman of the county commissioners (or one of their number to be designated by the board) shall take the corrected appraisal and meet with the state board of equalization at Concord on the first Tuesday of May succeeding their investigation, and together with said state board of equalization shall constitute a joint board for equalizing the apportionment to the different counties, so that each county shall pay its just proportion of the state tax. In fixing the value of the real and personal estate, the county commissioners shall be governed by the same rule that now applies to the appraisal of property by selectmen and assessors in the several towns.

Selectmen to return inventories to secretary of state annually; to county commissioners once in four years; commissioners to make personal examination and equalize appraisal; to meet with board of equalization; rules for their government.

SECT. 5. The secretary of state shall lay the returns provided for by the foregoing section, before the state board of equalization at their session on the first Tuesday in May of each year.

Secretary to lay the returns before the board.

Commissioners
to act with
board; their
compensation.

SECT. 6. The state board of equalization, together with the county commissioners, as aforesaid, shall have a general supervision of the subject of taxation in the state, so far as it relates to the inventories and appraisal of the selectmen and assessors in the various cities, towns, and places in the state. The state board of equalization shall perform all other duties specified in this act. The county commissioners, in performing the duties hereby assigned them, shall receive two dollars per day and their actual expenses while engaged in said duties, to be paid by the county treasurer of their respective counties, upon the approval of their bills by the county auditor; said bills shall state the date of each day of service and the items of all expense allowed.

Board to exam-
ine inventories
once in four
years; to make
additions or
deductions; to
certify and file
with secretary
of state.

SECT. 7. After the board shall have been organized at its May session, 1879, and every fourth year thereafter, they shall proceed to examine the inventories provided for by section four of this act; and they shall determine whether the relative valuation between the several cities and towns is equal and uniform, and whether the personal estate of the several towns has been uniformly estimated, according to the best information which can be derived from the statistics of the state or from any other source. If, after such examination, such assessments shall be determined relatively unequal, they shall equalize the same by adding to or deducting from the aggregate valuation of taxable real and personal estate in such town or towns such percentage as will produce relative, equal, and uniform valuations between the several cities and towns in the state; and the percentage so added or deducted shall be entered upon the records; and the valuations of the cities and towns, as equalized, shall be certified and signed by the chairman and secretary of the board and filed in the office of the secretary of state, and shall be the basis for apportioning all state and county taxes until another equalization shall be made.

Secretary to fur-
nish blank in-
ventories, and
procure printed
abstracts for
legislature.

SECT. 8. The secretary of state shall furnish the selectmen with blank inventories, in form as aforesaid, on or before the first day of April, 1879, and on or before the first day of April in every fourth year thereafter; and, when said inventories have been returned and equalized as aforesaid, he shall make out an abstract of the footings or amount of the several inventories, as equalized, arranged by counties, and procure four hundred copies thereof to be printed and laid before the general court at commencement of the session next after said inventories are returned.

Quorum; party
aggrieved may
petition supreme
court.

SECT. 9. Three members of the board shall constitute a quorum for the transaction of business. Any party aggrieved at the decision of said board, shall give notice thereof to said board, in writing, within six months after notice of such decision, and shall apply by petition for redress, within one year from the same time, to the supreme court, at its law term, which shall give such notice to the parties, and such hearing, and make such orders in the same as justice may require. In all such proceedings founded upon the action of said board, the party appealing shall be the plaintiff, and the state of New Hampshire the defendant; and the court shall make all such orders as to costs and security for costs, and upon all other matters, as justice may require.

Compensation of
board.

SECT. 10. The members of the board shall receive three dollars per day and their actual expenses while employed in performing

the duties assigned them, which shall be paid by the treasurer on properly itemized bills, certified by the chairman and secretary of the board, and the warrant of the governor.

SECT. 11. Chapter sixty of the General Statutes, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be in force from and after its passage. ^{Repealing clause; takes effect, when.}

[Approved August 17, 1878.]

CHAPTER 74.

AN ACT TO DEFRAY THE COST OF PROBATE COURTS.

SECTION

1. Legacies, etc., to pay a tax of one per cent; exemptions.
2. Tax payable, when and by whom; penalty for neglect of duty, etc.
3. "Succession," "successor," and "predecessor" defined.
4. Any interest in real estate determinable by death and then passing to another, is a succession.
5. Beneficial interest reserved in disposition of real estate, when extinguished becomes a succession.
6. The beneficial ownership secretly reserved to grantor becomes a succession.
7. Succession passing, before possession by first, to second successor, to pay duty but once.
8. Alienated and accelerated succession.
9. Assessment and payment of duty.
10. Interest in proceeds of sale of real estate; trustee to give notice and pay duty.

SECTION

11. Trust investment chargeable with duty.
12. Effect of contingent incumbrance.
13. Succession in real estate which may pass to another not affected by the contingency, etc.
14. *Pro rata* duty; duty paid by mistake, how refunded.
15. Treasurer may compound with successor in certain cases.
16. Duty a first charge on successions.
17. Successor to make return to judge of probate; assessment; appeal.
18. Neglect to account and pay tax.
19. Successor may appeal.
20. Duties, etc., recoverable by action of debt.
21. Treasurer to furnish books and blanks.
22. Fees regulated by supreme court.
23. Registers to account quarterly to treasurer.
24. To what estates applies.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. All estates settled in the probate courts of this state, and all transfers of property from the dead to the living, by gift, bequest, or devise, and every succession made under the laws of this state, regulating the distribution of intestate estates, exclusive of the just indebtedness of each and all of said estates, shall pay one per cent on the value of said estates, to be deducted from each gift, bequest, or distributive share, by the administrator or executor, so that each gift, bequest, or distributive share shall pay its proportional rate; *provided*, that all legacies or property passing by will or by the laws of this state to husband or wife, children and grandchildren of the person who died possessed as aforesaid, shall be exempt from tax or duty; *provided, further*, that any legacy or share of personal property, or any devise or share of real estate, passing as aforesaid, to a minor child of the person who died possessed as aforesaid, shall be exempt from taxation under this section, unless such legacy or share of personal estate, and devise or share of the real estate, shall exceed the sum of one thousand dollars, in which case the excess only above that sum shall be

^{Tax of one per cent.}

^{Proviso.}

^{Proviso.}

Proviso.

liable to such taxation ; *provided, further*, that the aggregate of such legacy or share of the personal estate, and devise and share of the real estate, shall not exceed the sum of one thousand dollars to such minor child.

When payable.

Executor to make sworn statement of amount of legacy.

Penalty for neglect of duty by executor, etc.

SECT. 2. That the tax or duty aforesaid shall be due and payable whenever the party interested in such legacy or distributive share, or property, or interest aforesaid, shall become entitled to the possession or enjoyment thereof, or to the beneficial interest in the profits accruing therefrom, and the same shall be a lien and charge upon the property of every person who may die as aforesaid, for five years, or until the same shall, within that period, be fully paid to and discharged by this state. And every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the register of probate of the county of which the deceased person was a resident, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the register of probate, a schedule, list, or statement of the amount of such legacy or distributive share, together with the amount of duty which has accrued or shall accrue thereon, verified by his oath, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest ; and the tax thereon shall be by him immediately paid to such register of probate, and upon such payment and delivery of such schedule, list, or statement, said register shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate. Such receipt or receipts, duly signed and delivered by such register, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the register of probate, as aforesaid, within the time herein before provided, or shall neglect or refuse to deliver to said register the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said register of probate a false schedule or statement of such legacies, property, or personal estate, or give the names or relationship of the persons entitled to beneficial interests therein, untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the said register of probate shall make out such lists and valuation as in other cases of neglect or refusal, and the judge of probate shall assess the duty thereon ; and in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding one thousand dollars, to be recovered with costs of suit ; and the said register shall commence appropriate proceedings, in the name of the state, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and

expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act.

Deed of sale by register.

SECT. 3. That for the purposes of this act the term "succession" shall denote the devolution of title to any real estate; and that every past or future disposition of real estate by will, deed, or laws of descent, by reason whereof any person shall become beneficially entitled in possession or expectancy to any real estate, or the income thereof, upon the death of any person dying after the first of October next, shall be deemed to confer on the person entitled by reason of any such disposition, a "succession"; and the term "successor" shall denote the person so entitled; and the term "predecessor" shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

"Succession," "successor," and "predecessor" defined.

SECT. 4. That where any real estate shall, at or after the passing of this act, be subject to any charge, estate, or interest determinable by the death of any person, or at any period ascertainable only by reference to death, the increase of benefit accruing to any person upon the extinction or determination of such charge, estate, or interest, shall be deemed to be a succession accruing to the person then entitled, beneficially, to the real estate or the income thereof.

Any interest in real estate determinable by death and then passing to another, is a succession.

SECT. 5. That where any disposition of real estate shall be accompanied by the reservation or assurance of or contract for any benefit to the grantor or any other person for any term of life, or for any period ascertainable only by reference to death, such disposition shall be deemed to confer, at the time appointed for the determination of such benefit, an increase of beneficial interest in such real estate, as a succession equal in annual value to the yearly amount or yearly value of the benefit so reserved, assured, or contracted for, on the person in whose favor such disposition shall be made.

Beneficial interest reserved in disposition of real estate, when extinguished becomes a succession.

SECT. 6. That where any disposition of real estate shall purport to take effect presently, or under such circumstances as not to confer succession, but, by the effect or in consequence of any engagement, secret trust, or arrangement capable of being enforced in a court of law or equity, the beneficial ownership of such real estate shall not *bona fide* pass according to the terms of such disposition, but shall, in fact, be reserved to the grantor or other person for some period ascertainable only by reference to death. the person shall be deemed, for the purposes of this act, to acquire the real estate so passing as a succession derived from the person making the disposition as the predecessor.

The beneficial ownership secretly reserved to grantor, becomes a succession.

Succession passing, before possession by first, to second successor, to pay duty but once.

SECT. 7. That where the interest of any successor in any real estate shall, before he shall have become entitled thereto in possession, have passed by reason of death to any other successor or successors, then one duty only shall be paid in respect of such interest, and shall be due from the successor who shall first become entitled thereto in possession.

Alienated and accelerated succession.

SECT. 8. That wherever, after the passing of this act, any succession shall, before the successor shall have become entitled thereto in possession, have become vested by alienation or by any title not conferring a new succession in any other person, then the duty payable in respect thereto shall be paid at the same rate and time as the same would have been payable if no such alienation had been made or derivative title created; and where the title to any succession shall be accelerated by the surrender or extinction of any prior interests, then the duty thereon shall be payable at the time of such surrender or extinction of prior title.

Assessment and payment of duty.

SECT. 9. That the duty imposed by this act shall be assessed by the judge of probate of the county having administration of the estate, and shall be paid at the time when the successor, or any person in his right or on his behalf, shall become entitled in possession to his succession, or to the receipt of the income and profits thereof, except that if there shall be any prior charge, estate, or interest, not created by the successor himself, upon or in the succession, by reason whereof the successor shall not be presently entitled to the full enjoyment or value thereof, the duty in respect of the increased value accruing upon the determination of such charge, estate, or interest, shall, if not previously paid, compounded for, or commuted, be paid at the time of such determination.

Interest in proceeds of sale of real estate.

SECT. 10. That the interest of any successor in moneys to arise from the sale of real estate under any trust for the sale thereof, shall be deemed to be a succession chargeable with duty under this act, and the said duty shall be paid by the trustee, executor, or other person having control of the funds. And every person having in charge or trust any disposition of real estate or interest therein, subject to tax under this act, shall give notice thereof in writing to the judge of probate of the county aforesaid within thirty days from the time when he shall have taken charge of such trust, and prior to any distribution of said real estate, together with a description and value thereof, and the names of the persons interested therein; and for willful neglect or refusal so to do, shall be liable to a penalty of not exceeding five hundred dollars, to be recovered with costs of suit.

Trustee to give notice and pay duty.

Trust investment chargeable with duty.

SECT. 11. That the interest of any successor, subject to any trust for the investment thereof in the purchase of real estate to which the successor would be absolutely entitled, shall be chargeable with duty under this act as a succession, and the tax shall be payable by the trustee, executor, or other person having control of the funds.

Effect of contingent incumbrance.

SECT. 12. That in estimating the value of a succession, no allowance shall be made in respect of any contingent incumbrance thereon; but in the event of such incumbrance taking effect as an actual burden on the interest of the successor, he shall be entitled to a return of a proportionate amount of the duty so paid by him

in respect of the amount or value of the incumbrance when taking effect.

SECT. 13. That in estimating the value of a succession, no allowance shall be made in respect of any contingency upon the happening of which the real estate may pass to some other person; but in the event of the same so passing, the successor shall be entitled to a return of so much of the duty paid by him as will reduce the same to the amount which would have been payable by him if such duty had been assessed in respect of the actual duration or extent of his interest; *provided*, that if the estate of the successor shall be defeated in whole or in part by its application to the payment of the debts of the predecessor, the executor, administrator, or trustee so applying it shall pay out of the proceeds of the sale thereof the amount so refunded; *and provided, also*, that if the estate of the successor shall be defeated in whole or in part by any person claiming title from and under the predecessor, such person shall be chargeable with the amount of duty so refunded, and such amounts shall be collected in the manner herein provided for the collection of duties.

Succession in real estate which may pass to another not affected by the contingency, etc.

SECT. 14. That where a successor shall not have obtained the whole of his succession at the time of the duty becoming payable, he shall be chargeable only with duty on the value thereof from time to time obtained by him; and whenever any duty shall have been paid on account of any succession, and it shall afterwards be proved, to the satisfaction of the treasurer of the state, that such duty, not being due from the person paying the same, was paid by mistake, or was paid in respect of real estate which the successor shall have been unable to recover, or of which he shall have been evicted or deprived by any superior title, or that for any other reason it ought to be refunded, the treasurer of the state shall thereupon refund the same to the person entitled thereto, from any money derived under this act.

Pro rata duty; duty paid by mistake, how refunded.

SECT. 15. That where, in the opinion of the treasurer of the state, any succession shall be of such a nature, or so disposed or circumstanced, that the value thereof shall not be fairly ascertainable under any of the preceding directions; or where, from the complication of circumstances affecting the value of a succession or affecting the assessment or recovering of the duty thereon, the said treasurer shall think it expedient to exercise this present authority,—it shall be lawful for him to compound the duty payable on the succession, upon such terms as he shall think fit, and to give discharges to the successor upon payment of the duty according to such composition; and it shall be lawful for him, in any special cases in which he may think it expedient so to do, to enlarge the time for the payment of any duty.

Treasurer may compound with successor in certain cases.

SECT. 16. That the duty imposed by this act shall be a first charge on the interest of the successor, and of all persons claiming in his right, in all the real estate in respect whereof such duty shall be assessed for five years from the time when such tax shall have become due and payable, unless sooner paid.

Duty a first charge on successions.

SECT. 17. That any person liable to pay a tax in respect to any succession shall give notice to the said judge of probate of his liability to such tax, and shall, at the same time, deliver to the judge of probate aforesaid a full and true account of said succession for

Successor to make return to judge of probate; assessment; appeal.

the tax whereon he shall be accountable, and of the value of the real estate involved, and of the deductions claimed by him, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the said judge of probate fully and correctly to ascertain the taxes due; and the judge of probate aforesaid, if satisfied with such account and estimate as originally delivered, or with any amendments that may be made therein upon his requisition, may assess the succession-tax on the footing of such account and estimate; but it shall be lawful for the said judge of probate, if dissatisfied with such account, or if no account and estimate shall be delivered to him, to assess the tax on the best information he can obtain, subject to appeal, as herein after provided; and if the tax so assessed shall exceed the tax assessable, according to the return made to the said judge of probate, and with which he shall have been dissatisfied, or if no account and estimate has been delivered, and if no appeal shall be taken against such assessment, then it shall be in the discretion of the said judge of probate, having regard to the merits of each case, to assess the whole or any part of the expenses incident to the taking of such assessment in addition to such tax; and if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the said treasurer.

Neglect to account and pay tax.

SECT. 18. That if any person required to give any such notice, or deliver such account as aforesaid, shall willfully neglect to do so within the time required by law, he shall be liable to pay to the state a sum equal to ten per centum upon the amount of tax payable by him; and if any person liable under this act to pay any tax in respect of his succession, shall, after such tax shall have been finally ascertained, willfully neglect to do so within ten days after being notified, he shall also be liable to pay to the state a sum equal to ten per centum upon the amount of tax so unpaid, at the same time and in the same manner as the tax to be collected.

Successor may appeal.

SECT. 19. That it shall be lawful for any party liable to pay tax in respect of his succession, who shall be dissatisfied with the assessment of the said judge of probate, within thirty days after the date of such assessment, to appeal to the said treasurer from such assessment, who shall decide on such appeal, and give notice thereof to such party, who, if still dissatisfied, may, within twenty days after notice as aforesaid, appeal from such decision to any justice of the supreme court, and furnish a statement of the grounds of such appeal to the said justice whose decision upon the case as presented by the statements of the said judge of probate and such party, shall be final.

Duties, etc., recoverable by action of debt.

SECT. 20. All the aforesaid duties, taxes, and penalties may be recovered by the register of probate by an action of debt, in the name of the state.

Treasurer to furnish books and blanks.

SECT. 21. The treasurer of the state shall seasonably provide and distribute to the different judges and registers of probate in the state appropriate books and blanks that may be requisite for the due execution of this law.

Fees regulated by supreme court.

SECT. 22. The justices of the supreme court shall fix and determine the proper fees and charges of the judges and registers of probate for all their services to be done and performed under this act.

SECT. 23. The several registers of probate shall, quarterly, on the first day of January, April, July, and October, render to the treasurer of the state an account under oath of their receipts and disbursements under this act, and pay over to said treasurer the balance in their hands. Registers to account quarterly to treasurer.

SECT. 24. This act shall not apply to estates of persons who shall have died before the first day of October, 1878. To what estates applies.

[Approved August 17, 1878.]

CHAPTER 75.

JOINT RESOLUTION PROVIDING FOR THE CONTINGENT EXPENSES OF THE GOVERNOR.

\$500 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of five hundred dollars be allowed as the contingent fund of the governor, and that he may draw his warrant therefor in such sums and at such times as he may think proper, and that vouchers be filed in the office of the state treasurer for the amounts drawn. \$500 appropriated.

[Approved June 26, 1878.]

CHAPTER 76.

JOINT RESOLUTION TO APPROPRIATE MONEY FOR THE INCREASE AND REPAIRS OF THE STATE-PRISON LIBRARY.

\$200 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of two hundred dollars be and hereby is appropriated for the increase and repairs of the state-prison library, to be expended at the discretion of the chaplain, and that the same be paid out of any money in the treasury not otherwise appropriated; and his excellency the governor is hereby authorized to draw his warrant therefor. \$200 appropriated.

[Approved June 26, 1878.]

CHAPTER 77.

JOINT RESOLUTION IN FAVOR OF THE STATE LIBRARY.

Trustees authorized to purchase books.

Resolved by the Senate and House of Representatives in General Court convened:—

Trustees authorized to purchase books.

That the trustees of the state library are hereby authorized and empowered to purchase for said library all books that may be necessary to complete the sets of law reports of the United-States and state courts and the digests pertaining thereto; and a sufficient sum of money is hereby appropriated for that purpose.

[Approved July 2, 1878.]

CHAPTER 78.

JOINT RESOLUTION PROVIDING FOR THE DISTRIBUTION OF THE REPORT OF THE COMMITTEE ON THE REVISION OF THE STATUTES.

Reference and distribution of report.

Resolved by the Senate and House of Representatives in General Court convened:—

Reference and distribution of report.

That the report of the commission to revise and compile the laws, made to the present legislature, be referred to the committee on revising and compiling the laws; and that the copies of said report on file in the office of the secretary of state be distributed by said secretary as follows: To each of said commissioners ten copies, to the state library five copies, to the governor, each councillor, senator, and member of the house of representatives, to each officer of the state government, to each judge of the supreme court and each judge of probate, to the attorney-general and each solicitor, and to each clerk of the supreme court for the use of his office one copy, and that the balance be distributed by said secretary in the different counties of the state, according to his best discretion.

[Approved July 2, 1878.]

CHAPTER 79.

JOINT RESOLUTION IN RELATION TO THE LAW TERMS OF THE SUPREME COURT.

SECTION

1. Sessions may be held in senate-chamber.

SECTION

2. Takes effect, when.

Resolved by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the supreme court be and hereby is authorized to hold the law terms of said court in the senate-chamber whenever the legislature is not in session. Sessions may be held in senate-chamber.

SECT. 2. This act shall take effect from its passage.
[Approved July 2, 1878.]

Takes effect, when.

CHAPTER 80.

JOINT RESOLUTION IN FAVOR OF INDIGENT BLIND PERSONS, DEAF MUTES, AND FEEBLE-MINDED CHILDREN.

\$9,000 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of five thousand dollars be and is hereby appropriated for the support, clothing, and education of the indigent deaf and dumb persons of this state in the asylums at Hartford and at Mystic River, Connecticut, and in asylums or schools for deaf and dumb persons in Massachusetts; and the sum of three thousand dollars for the support, clothing, and education of indigent blind persons of this state at the asylum in Boston, Massachusetts, for the current year, and the sum of one thousand dollars for the support of feeble-minded children at institutions in Massachusetts established for that purpose, and that said sums be expended as needed under the direction of the governor, and that he be authorized to draw his warrant upon the treasurer therefor. \$9,000 appropriated.

[Approved July 2, 1878.]

CHAPTER 81.

JOINT RESOLUTION RELATING TO THE ADJUTANT-GENERAL'S DEPARTMENT.

\$300 allowed for clerk hire.

Resolved by the Senate and House of Representatives in General Court convened:—

\$300 allowed for clerk hire.

That the sum of three hundred dollars be allowed for the clerical expenses of the adjutant-general's department, and that the same be paid out of any money in the treasury not otherwise appropriated, and that the governor is hereby authorized to draw his warrant therefor.

[Approved July 18, 1878.]

CHAPTER 82.

JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT AGENTS AND EXPEND THE APPROPRIATION MADE JUNE SESSION, 1869, IN FAVOR OF A ROAD FROM DUMMER TO ERROL.

Agent to expend the appropriation of \$3,000.

Resolved by the Senate and House of Representatives in General Court convened:—

Agent to expend the appropriation of \$3,000.

That the governor and council are hereby authorized to appoint an agent to expend the appropriation made by a joint resolution approved July 8, 1869, in favor of a road from Dummer to Errol; and the governor is hereby authorized to draw his warrant upon the treasury for the amount of said appropriation, the same to be paid out of any money not otherwise appropriated.

[Approved July 18, 1878.]

CHAPTER 83.

JOINT RESOLUTION TO APPROPRIATE MONEY FOR THE SALARY OF THE CHAPLAIN AND INSTRUCTOR OF THE STATE-PRISON.

\$800 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

\$800 appropriated.

That the sum of eight hundred dollars be and is hereby appropriated as the salary of the chaplain and instructor of the state-prison, and that the same be paid out of any money in the treasury not otherwise appropriated; and that his excellency the governor is hereby authorized to draw his warrant therefor.

[Approved July 18, 1878.]

CHAPTER 84.

JOINT RESOLUTION IN FAVOR OF THE CARROLL COUNTY FIVE-CENT SAVINGS-BANK.

Preamble. Tax remitted.

Resolved by the Senate and House of Representatives in General Court convened:—

Whereas, The Carroll County Five-Cent Savings-Bank, by de-
preciation of its securities and losses in other ways, has lost two-fifths of all of its deposits, and *whereas*, said deposits were largely the property of widows and orphans and of poor people who had all their savings deposited in said bank, and *whereas*, said bank has been enjoined from doing business, and its affairs are now being wound up by assignees appointed by the supreme court, who have been obliged, in the process of closing up its affairs to collect the assets and convert them into cash and place the money on deposit where it yields a very small percentage to the depositors ; therefore,

Resolved, That the tax of one per cent on one-half of the de-
posits and accumulations in said bank on the first day of April, A. D. 1878, be and the same hereby is remitted to said Carroll County Five-Cent Savings-Bank ; and the state treasurer is hereby directed to enforce the payment of one-half of said tax only.

[Approved July 25, 1878.]

CHAPTER 85.

JOINT RESOLUTION PROVIDING FOR REPAIRING THE STATE-HOUSE AND STATE-HOUSE YARD.

\$1,300 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That a sum not exceeding thirteen hundred dollars be and the same is hereby appropriated for repairing the roof and making other necessary repairs upon the state-house and about the state-house yard, the same to be expended under the direction of the governor and council ; and the governor is hereby authorized to draw his warrant for the same on any money in the treasury not otherwise appropriated.

[Approved July 25, 1878.]

CHAPTER 86.

JOINT RESOLUTION FOR THE RELIEF OF THE CITY SAVINGS-BANK IN MANCHESTER.

Preamble. Tax remitted.

Preamble.

Whereas, The treasurer of the City Savings-Bank in Manchester made returns to the state treasurer, on the first day of April, 1878, that the sums standing to the credit of depositors in said bank amounted in the aggregate to one hundred eighty-two thousand five hundred and eighty-nine and sixty-seven hundredths dollars (\$182,589.67), upon which sum the said savings-bank is liable to pay a tax of one per cent to the state; and,

Whereas, The said bank has been declared to be insolvent, and the total value of its assets are estimated at one hundred and forty-five thousand dollars; and,

Whereas, It is unjust that the depositors should be taxed beyond the real value of their deposits; therefore,

Resolved by the Senate and House of Representatives in General Court convened:—

Tax remitted.

That the state treasurer be instructed and authorized to receive from the said City Savings-Bank in Manchester the sum of one per cent upon the said sum, one hundred and forty-five thousand dollars, in full of all claim upon said bank for the current year.

[Approved July 26, 1878.]

CHAPTER 87.

JOINT RESOLUTION IN FAVOR OF JOHN HUBBARD AND OTHERS.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

Appropriations to pay claims.

That John Hubbard be allowed the sum of forty-seven dollars and fifty-three cents (\$47.53); James O. Adams, ninety-nine dollars and fifty cents (\$99.50); D. F. Secomb, forty-three dollars and fourteen cents (\$43.14), in full of their respective claims; and the same to be paid out of any money in the treasury not otherwise appropriated, and that the governor is hereby authorized to draw his warrant therefor.

[Approved July 26, 1878.]

CHAPTER 88.

JOINT RESOLUTION IN RELATION TO THE FISH COMMISSION.

\$2,000 for expenses of commission; \$1,000 for fish-hatching house.

Resolved by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the sum of two thousand dollars be and the same is hereby appropriated to the fish commissioners, for use in the general purposes of the fish commission; and further, that the sum of one thousand dollars be and the same is hereby appropriated for the purpose of improving and maintaining a fish-hatching house, at the discretion of the said fish commissioners; and the governor be authorized to draw his warrant for such sums, from time to time, as occasion may require.

\$2,000 for expenses of commission; \$1,000 for fish-hatching house.

[Approved July 26, 1878.]

CHAPTER 89.

JOINT RESOLUTION IN RELATION TO THE CLAIM OF A. T. AND O. F. BARRON FOR MONEY EXPENDED ON ROAD AT OR NEAR THE WHITE MOUNTAINS.

Claim of \$260 allowed.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of two hundred and sixty dollars be allowed to A. T. and O. F. Barron in full for their claim for money expended for the repair of the road at or near the White Mountains; the same to be paid out of any money in the treasury not otherwise appropriated, and the governor is hereby authorized to draw his warrant for the same.

Claim of \$260 allowed.

[Approved August 1, 1878.]

CHAPTER 90.

JOINT RESOLUTION EXTENDING THE COMMISSION APPOINTED BY THE GOVERNOR AND COUNCIL TO INQUIRE INTO AND REPORT UPON THE WINNIPESAUKEE LAKE COTTON AND WOOLEN MANUFACTURING COMPANY.

Commission extended.

Resolved by the Senate and House of Representatives in General Court convened:—

That the commission appointed by the governor and council "to inquire into and report what legislation, if any, may be necessary

Commission extended.

in relation to the Winnepesaukee Lake Cotton and Woolen Manufacturing Company," agreeably to a joint resolution passed at the June session of the legislature, A. D. 1877, be and hereby is extended with all the powers and privileges as are contained in said joint resolution, and said commission is to report at the next session of the legislature; and in case of any vacancy occurring in said commission, the governor, with advice of the council, is hereby authorized to fill such vacancy.

[Approved August 9, 1878.]

CHAPTER 91.

JOINT RESOLUTION RELATIVE TO THE ELLIOT BRIDGE COMPANY.

Preamble. Time for payment of charter-tax extended.

Preamble.

Whereas, The act to incorporate the Elliot Bridge Company cannot by its terms take effect until a like act shall be passed by the state of Maine; therefore,

Resolved by the Senate and House of Representatives in General Court convened:—

Time for payment of charter-tax extended.

That the time for the payment of fifty dollars to the state by said company as is required by the act to increase the revenues of the state of New Hampshire passed July 11, 1877, be extended to thirty days from and after the passage of said like act by the state of Maine.

[Approved August 9, 1878.]

CHAPTER 92.

CONCURRENT RESOLUTION IN RELATION TO ENGROSSING THE BILL ENTITLED, "AN ACT REVISING, COMPILING, AND CONSOLIDATING THE GENERAL LAWS OF THE STATE."

Act not to be engrossed.

Act not to be engrossed.

Resolved, By the House of Representatives, the Senate concurring, that so much of the sixth joint rule as requires the bill entitled, "An act revising, compiling, and consolidating the General Laws of the state," to be engrossed, be and the same is hereby suspended, and said act shall be signed by the speaker of the House and president of the Senate, and approved by the governor, without being engrossed.

[Approved August 9, 1878.]

CHAPTER 93.

JOINT RESOLUTION IN FAVOR OF THE ROADS THROUGH THE TOWN OF RANDOLPH.

\$400 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of four hundred dollars be and hereby is appropriated for the repair of the main traveled road through the town of Randolph, to be expended by an agent or agents appointed by the governor, and to be paid out of any money in the treasury not otherwise appropriated, and the governor is hereby authorized to draw his warrant for the same. ^{\$400 appropriated.}

[Approved August 9, 1878.]

CHAPTER 94.

JOINT RESOLUTION FOR THE REPAIR OF THE ROAD BETWEEN FABYAN AND CRAWFORD HOUSES, NEAR THE WHITE MOUNTAINS.

\$250 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of two hundred and fifty dollars be and the same is hereby appropriated for the purpose of repairing the main road between the Fabyan and Crawford Houses, near the White Mountains, and that the sum be paid out of any money in the treasury not otherwise appropriated, and that the governor be hereby authorized to draw his warrant for the same. ^{\$250 appropriated.}

[Approved August 9, 1878.]

CHAPTER 95.

JOINT RESOLUTION FOR APPROPRIATIONS THROUGH THE WHITE MOUNTAIN NOTCH.

\$550 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of two hundred dollars be and hereby is appropriated for the repair of the highway leading from the north line of Bartlett to the Willey House, so called; and the sum of three hun- ^{\$550 appropriated.}

dred and fifty dollars is hereby appropriated for repair of the road from said Willey House to the Crawford House in the White Mountain Notch, the same to be expended by an agent or agents to be appointed by the governor, and to be paid out of any money in the treasury not otherwise appropriated, and the governor is hereby authorized to draw his warrant for the same.

[Approved August 9, 1878.]

CHAPTER 96.

JOINT RESOLUTION IN RELATION TO THE HIGHWAY IN THE TOWN OF LINCOLN.

\$150 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

\$150 appropriated.

That the sum of one hundred and fifty dollars be and hereby is appropriated for the highway in the town of Lincoln leading through the Franconia Notch, from the Flume House to the Franconia town line, and that the same be paid out of any money in the treasury not otherwise appropriated, and that the governor be and hereby is authorized to draw his warrant therefor.

[Approved August 9, 1878.]

CHAPTER 97.

JOINT RESOLUTION IN FAVOR OF THE REPUBLICAN PRESS ASSOCIATION AND ANOTHER.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

Appropriations to pay claims.

That the sum of one hundred and six dollars and thirty cents (\$106.30) be allowed the Republican Press Association in full for their claim for printing, and the sum of eighty-eight dollars and seventy cents (\$88.70), bill of B. W. Sanborn & Co., in full for their claim for material furnished, and that the same be paid out of any money in the treasury not otherwise appropriated, and that the governor be authorized to draw his warrant for the same.

[Approved August 16, 1878.]

CHAPTER 98.

JOINT RESOLUTION IN FAVOR OF JOSEPH HAYES.

Appropriation to pay claim.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of one hundred and forty-six dollars be allowed Joseph Hayes in full for his claim for services and expenditures in defending the right of himself, Samuel C. Fisher, C. O. Libbey, and William H. Fernald, as representatives of ward three in Dover, for the year 1875, against the remonstrance of Thomas J. Smith and others, and that the same be paid out of any money in the treasury not otherwise appropriated, and that the governor be authorized to draw his warrant for the same.

Appropriation to pay claim.

[Approved August 16, 1878.]

CHAPTER 99.

JOINT RESOLUTION IN FAVOR OF TYLER WESTGATE AND OTHERS.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

That Tyler Westgate be allowed the sum of five dollars (\$5); John P. Nutter, ten dollars (\$10); T. B. Crowley, ten dollars (\$10); C. B. Allen, five dollars (\$5); D. S. Dinsmore, five dollars (\$5); D. W. Buckminster, five dollars (\$5); John R. Varney, five dollars (\$5); S. B. Wiggin, five dollars (\$5); S. L. Bowers, five dollars (\$5), in full of their respective claims; and the same to be paid out of any money in the treasury not otherwise appropriated, and that the governor be authorized to draw his warrant therefor.

Appropriations to pay claims.

[Approved August 16, 1878.]

CHAPTER 100.

JOINT RESOLUTION IN FAVOR OF SOLON A. CARTER AND OTHERS.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

That Solon A. Carter be allowed the sum of three hundred and sixty-five dollars (\$365); W. H. H. Mason, three hundred and

Appropriations to pay claims.

sixty-four dollars and seventy cents (\$364.70); W. H. Cummings, four hundred and forty-four dollars and seventy-five cents (\$444.75); O. C. Moore, five hundred and eighty-two dollars (\$582); N. G. Ordway, ninety-five dollars and seventy-five cents (\$95.75); C. T. Brown, one hundred and ninety-three dollars (\$193), in full of their respective claims as tax commissioners, and the same to be paid out of any money in the treasury not otherwise appropriated, and the governor be authorized to draw his warrant therefor.

[Approved August 16, 1878.]

CHAPTER 101.

JOINT RESOLUTION RELATING TO THE CLAIM OF THE TOWN OF EAST KINGSTON.

Governor and council to audit claim.

Resolved by the Senate and House of Representatives in General Court convened:—

Governor and council to audit claim.

That the governor and council are hereby authorized to examine and audit the claim of the town of East Kingston for state bounties, and if said claim is found to be covered by the provisions of chapter four thousand and sixty-seven of the Pamphlet Laws, to pay the same out of any money in the treasury not otherwise appropriated, with interest upon the same at the rate of six per cent per annum from the date when the assignments were filed with the state auditor; and the governor is hereby authorized to draw his warrant therefor.

[Approved August 16, 1878.]

CHAPTER 102.

JOINT RESOLUTION IN FAVOR OF CHARLES C. DANFORTH AND OTHERS.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

Appropriations to pay claims.

That Charles C. Danforth be allowed the sum of seventy-five dollars (\$75) for preparing the roll and organizing the House of Representatives the present session; Tyler Westgate, forty dollars (\$40) as clerk in attendance and organizing the present session of the Senate; Morrill and Silsby, two hundred and thirty-seven dollars and two cents (\$237.02) for stationery; I. W. Hammond, nine dollars (\$9) for ink, in full of their respective claims; and

the same to be paid out of any money in the treasury not otherwise appropriated, and that the governor be authorized to draw his warrant therefor.

[Approved August 16, 1878.]

CHAPTER 103.

JOINT RESOLUTION TO DEFRAY THE CLERICAL EXPENSES, STATIONERY, AND PRINTING OF THE MILITARY COMMISSION.

\$125 allowed.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of one hundred and twenty-five dollars be allowed ^{\$125 allowed.} for the clerical expenses, stationery, and printing of the military commission, and that the same be paid out of any money in the treasury not otherwise appropriated, and the governor is hereby authorized to draw his warrant therefor.

[Approved August 16, 1878.]

CHAPTER 104.

JOINT RESOLUTION IN FAVOR OF HENRY F. CAMPBELL AND SAMUEL E. CLIFFORD.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

That Henry F. Campbell be allowed the sum of sixty-three dollars in full for per diem, and the sum of sixty-six dollars and ten cents in full for expenses incurred in contesting for his seat as representative to this House from ward two in the city of Concord, and that Samuel E. Clifford be allowed the sum of seventy-seven dollars and fourteen cents in full for expenses incurred in contesting the right of said Henry F. Campbell to a seat in this House, and that the same be paid out of any money in the treasury not otherwise appropriated, and the governor is hereby authorized to draw his warrant for the same. ^{Appropriations to pay claims.}

[Approved August 16, 1878.]

CHAPTER 105.

JOINT RESOLUTION DESIGNATING WHAT NEWSPAPERS SHALL PUBLISH THE
SESSION LAWS.

Weekly papers to publish the laws.

*Resolved by the Senate and House of Representatives in General
Court convened:—*Weekly papers
to publish the
laws.

That the secretary of state be and he hereby is authorized and required to have published in each weekly newspaper printed and circulated within this state, all the public acts and resolves of this and every subsequent session of the legislature, *provided*, that the act entitled "An act revising, compiling, and consolidating the General Laws of the state," and "An act to provide for the enrollment of the militia, the organization of the New Hampshire National Guard, and providing for its efficiency for the public defense," passed at this session of the legislature, shall not be published in any newspaper.

[Approved August 16, 1878.]

CHAPTER 106.

JOINT RESOLUTION IN FAVOR OF ALPHEUS W. BAKER AND CALVIN SANDERS.

Appropriation to pay claims.

*Resolved by the Senate and House of Representatives in General
Court convened:—*Appropriation
to pay claims.

That Alpheus W. Baker, clerk of the House of Representatives, be allowed the sum of two hundred dollars, and Calvin Sanders the sum of one hundred and fifty dollars, and Charles G. Emmons seventy-five dollars, and James E. Dodge fifty dollars for extra services during the present year, the same to be paid out of any money in the treasury not otherwise appropriated, and the governor be authorized to draw his warrant therefor.

[Approved August 16, 1878.]

CHAPTER 107.

JOINT RESOLUTION IN FAVOR OF THE ROADS IN THE TOWN OF DIXVILLE,
COOS COUNTY.

\$100 appropriated.

Resolved by the Senate and House of Representatives in General Court convened:—

That the sum of one hundred dollars be and the same is hereby ^{\$100 appropriated.} appropriated for the purpose of repairing the main road through the town of Dixville in Coos county; and that the same be paid out of any money in the treasury not otherwise appropriated, and that the governor is hereby authorized to draw his warrant for the same.

[Approved August 16, 1878.]

CHAPTER 108.

JOINT RESOLUTION IN FAVOR OF JOHN K. STOKES AND OTHERS.

Appropriations to pay claims.

Resolved by the Senate and House of Representatives in General Court convened:—

That John K. Stokes be allowed the sum of one hundred dollars ^{Appropriations to pay claims.} (\$100); H. H. Aldrich forty-five dollars and fifty cents (\$45.50); N. A. Copeland, two hundred thirty-three dollars and forty cents (\$233.40), in full of their respective claims; and the same to be paid out of any money in the treasury not otherwise appropriated, and the governor be authorized to draw his warrant therefor.

[Approved August 16, 1878.]

CHAPTER 109.

JOINT RESOLUTION IN FAVOR OF CHARLES E. CUMMINGS AND OTHERS.

Appropriations to pay sergeant-at-arms, doorkeepers, pages, chaplain of the House, newspaper publishers, etc.

Resolved by the Senate and House of Representatives in General Court convened:—

That Charles E. Cummings be allowed the sum of two hundred ^{Appropriations to pay sergeant-at-arms, doorkeepers, pages, chaplain of the House, newspaper publishers, etc.} seventy-five dollars (\$275); William H. Gardiner the sum of two hundred seventy-one dollars (\$271); George A. Perkins the sum of two hundred sixty-one dollars and ten cents (\$261.10); William A. Caswell, two hundred sixty-one dollars and fifty cents (\$261.50); George H. Bartlett, two hundred sixty-four dollars and ten cents

(\$264.10); Frank S. Jenkins, two hundred sixty-one dollars and fifty cents (\$261.50); Fred C. Cheney, thirty-seven dollars and fifty cents (\$37.50); John W. Babbitt, thirty-two dollars and fifty cents (\$32.50); Lewis Jenkins, sixteen dollars and fifty cents (\$16.50); William W. Hill, ten dollars and seventy cents (\$10.70); David H. Rand, one hundred forty-eight dollars (\$148); Frank B. Sinclair, one hundred forty-eight dollars (\$148); Fred F. Rolfe, one hundred and fifty dollars (\$150); John K. Stokes, one hundred dollars (\$100); Charles W. Diedrich, five dollars and seventy-five cents (\$5.75); George B. Spalding, seventy-five dollars (\$75), for services as chaplain of the House for the present session; N. C. Nelson, four dollars (\$4); Republican Press Association, three hundred sixty-nine dollars (\$369); J. B. Clarke, three hundred sixty-three dollars and thirteen cents (\$363.13); New Hampshire Patriot, three hundred fifty-nine dollars and seventy-five cents (\$359.75); C. C. Pearson & Co., three hundred seventy-four dollars and twenty-five cents (\$374.25), in full for their respective claims; and the same to be paid out of any money in the treasury not otherwise appropriated.

[Approved August 16, 1878.]

CHAPTER 110.

JOINT RESOLUTION IN FAVOR OF GEORGE H. HUBBARD.

Appropriation to pay claim.

Resolved by the Senate and House of Representatives in General Court convened:—

Appropriation to
pay claim.

That George H. Hubbard be allowed the sum of sixty-three dollars and nineteen cents (\$63.19) in full of his claim; and the same to be paid out of any money in the treasury not otherwise appropriated, and the governor be authorized to draw his warrant therefor.

[Approved August 17, 1878.]

CHAPTER 111.

JOINT RESOLUTION IN FAVOR OF THE ENGROSSING CLERK.

\$100 for clerk hire.

Resolved by the Senate and House of Representatives in General Court convened:—

\$100 for clerk
hire.

That the sum of one hundred dollars be allowed to the engrossing clerk for extra clerk hire during this session, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved August 17, 1878.]

CHAPTER 112.

JOINT RESOLUTION IN FAVOR OF THE COMMISSION TO REVISE AND COMPILE
THE STATUTES AND OTHERS.

Appropriations to pay claims.

*Resolved by the Senate and House of Representatives in General
Court convened:—*

That J. E. Sargent, Levi W. Barton, and Joseph F. Wiggin be allowed the sum of fifteen hundred dollars (\$1,500) each for services and expenses hitherto performed and incurred in said service; W. M. Durgin, ten dollars (\$10) for copies of probate court records, in full of their respective claims; and the same to be paid out of any money in the treasury not otherwise appropriated, and that the governor be authorized to draw his warrant therefor.

[Approved August 17, 1878.]

CHAPTER 113.

JOINT RESOLUTION IN FAVOR OF IVORY VARNEY.

Claim allowed.

*Resolved by the Senate and House of Representatives in General
Court convened:—*

That Ivory Varney be allowed the sum of forty-five dollars for expenses incurred in defending his right to a seat in this House, June session, 1875; and that the same be paid out of any money in the treasury not otherwise appropriated, and that the governor be authorized to draw his warrant therefor.

[Approved August 17, 1878.]

CHAPTER 114.

JOINT RESOLUTION IN FAVOR OF HOSEA B. CARTER.

Claim allowed.

*Resolved by the Senate and House of Representatives in General
Court convened:—*

That the sum of two hundred seven dollars and fifty cents be allowed Hosea B. Carter in full of his claim for four hundred and fifteen copies of the political index of New Hampshire; and that the same be paid out of any money in the treasury not otherwise appropriated, and the governor be authorized to draw his warrant therefor.

CHAPTER 115.

ADDRESS FOR THE REMOVAL OF TIMOTHY B. CROWLEY FROM THE OFFICE
OF REGISTER OF PROBATE FOR THE COUNTY OF HILLSBOROUGH.

*To his Excellency, Benjamin F. Prescott, Governor of the State of
New Hampshire : —*

Removal.

The Senate and House of Representatives in General Court convened, satisfied that the public good requires that Timothy B. Crowley, register of probate for the county of Hillsborough, should no longer retain said office, respectfully address and request your excellency, with the consent of the council, to remove said Timothy B. Crowley therefrom.

CHAPTER 116.

NAMES CHANGED.

The following changes of names have been legally made by the judges of probate in the counties where the persons reside, during the year from June, 1877, to June, 1878 : —

Rockingham.

ROCKINGHAM COUNTY. — William Lowry, of East Kingston, to William Cavanaugh ; Mary Jane Lowry, of East Kingston, to Mary Jane Cavanaugh ; Edward Barrisiet, of Plaistow, to Edward Jarrelle ; Ella C. Twombly of Portsmouth, to Charlotte Ella Wood ; John F. Janovin, of Epping, to John Herbert Chase.

Strafford.

STRAFFORD COUNTY. — Lizzie A. Colomy, of Dover, to Lizzie A. Littlefield ; Sarah A. Atkinson, of Somersworth, to Sarah A. Crocket ; Lydia T. Andrews, of Rochester, to Lydia T. Gowell ; Nellie F. Bickford, of Rochester, to Nellie F. Wentworth ; Jennie F. Knox, of Somersworth, to Jennie F. K. Thompson ; Emma A. Hill, of Farmington, to Emma A. Goodwin ; Laola B. Gleason, of Rochester, to Laola B. Weeks ; Arthur L. Gleason, of Rochester, to Arthur L. Emerson.

Belknap.

BELKNAP COUNTY. — James F. Bunker, of Barnstead, to Charles Tuttle ; Aurilla Jane Glines, of Gilford, to Aurilla Jane Robinson ; Alice Marion Glines, of Gilford, to Alice Marion Robinson ; Charles Herbert Waldo Glines, of Gilford, to Alson Charles Robinson ; Willie Henry Waldron, of New Hampton, to Willie Henry Lowd ; Charles Edward Price, of Laconia, to Harry Arthur Woodhouse ; Hattie Nutter, of Barnstead, to Hattie N. Young ; Laura Evelyn Kelly, of Center Harbor, to Laura Evelyn Smith ; Emma O. Willey, of Barnstead, to Emma O. Cilley ; Jonathan F. Aikens, of Barnstead, to Frank J. Aikens.

Carroll.

CARROLL COUNTY. — Lillie B. Marr, of Madison, to Lillie B. Sanborn ; Hannah Louise Chamberlain, of Sandwich, to Grace Agatha Blanchard.

Merrimack.

MERRIMACK COUNTY. — Hannah C. Green, to Hannah C. Osborne ; Ida F. Gilmore, to Ida F. G. Harriman ; George Watrous to Eddie

Marden : Daniel Smith, to Daniel S. Elliott ; Samuel Converse, to Samuel Converse Head ; Frank Washington Rand, to Frank Pierce Rand ; Georgina S. Page, to Jessie Anna Prescott ; Ellen F. Miller, to Nellie F. Garland ; Charles L. Pearsons, to Charles L. Patten ; Harry Eastman, to Willie Edward Knowlton ; Estella S. Butters, to Stella S. Whittemore ; Emma Elliott, to Emma Gertrude Elliott ; Emma A. Mercer, to Emma A. Tappan ; Isabelle D. Rollins, to Isabelle Durant.

HILLSBOROUGH COUNTY. — Emma Belle Adams, to Emma Belle Hillsborough. Bartlett ; Clara E. Blodgett, to Clara E. Burns ; Eliza Dodge, to Eliza Pratt ; Herbert Fremont Gould, to Herbert Dearborn Gould ; Nellie H. Waite, to Flora N. Hodgman ; Mary A. Knowles, to Mary A. Davenport ; Frank A. Colby, to Frank A. Underhill ; Emma Sadie Trask, to Mabel Blanche Moulton ; Fred Hildreth Armstrong, to Fred Hildreth Newcomb ; Olive Jane Alderson, to Olive Jane Spencer ; Etta S. Wright, to Etta S. Hall ; Harriet A. Young, to Harriet A. Moulton ; George Murphy, to George Murphy Murray ; Richard Mason Hoit, to Mason Richard Hoit ; Mary E. Blood, to Mary E. Farwell ; Myra B. Cobb, to Myra B. Hoit ; Emma M. Nash, to Flora E. Hamlett ; Ebenezer Bailey Bartlett, to Eben Bailey Bartlett ; Benjamin F. Ayers, to Benjamin F. Bascom ; Frankline S. E. Richardson, to Frank S. E. Richardson ; Jane M. Arthur, to Jennie M. Hackstaff ; Eugene Childs, to Eugene C. Hubbard ; Lizzie Jane Clay, to Lizzie Jane Goodwin ; Mary S. Annis, to Mary S. Kendall ; William Campbell Grisin, to William Campbell.

CHESHIRE COUNTY. — Ellen Mead, of Walpole, to Ellen Hosmer ; Cheshire. Wealtha Brittan Wilson, of Surry, to Wealtha Brittan Haskins ; Frank A. Heath, of Surry, to Frank A. Poole ; Eliza Ann Pease, of Fitzwilliam, to Eliza Ann Kendall ; Katie E. Griffith, of Keene, to Katie E. Kenney.

SULLIVAN COUNTY. — Marcella D. Gowen, to Marcella D. Grant ; Sullivan. Carl Grant Gowen to Carl Wilber Grant ; Amanda L. Adams, to Amanda L. Slack ; by adoption, Arthur W. York, to Arthur W. Lamberton.

GRAFTON COUNTY. — Ella A. Aspinwall, to Ella A. Hamilton ; Grafton. Sam Colby, to Samuel B. Colby ; Emily Bonney Dow, to Emily Bonney Kilburn ; Nellie P. Gray, to Nellie P. Bryant ; Eddie Holton, to Edward H. Bates ; Jesse D. Jackman, to Jesse D. Howland ; Georgiana Knowles, to Georgiana Holden ; Henry O. Morrill, to Henry Noyes ; Eva Bell Simonds, to Eva B. Putney ; Oscar Thomas, to Oscar Thomas Tollman.

COOS COUNTY. — Eva Beacher, to Eva Brainard ; Charles C. Hicks, Coos. to Charles C. Head ; Winnie N. Newton, to Winnie N. Huggins.

CHAPTER 117.

AN ACT TO PROVIDE FOR THE ENROLLMENT OF THE MILITIA, FOR THE ORGANIZATION OF THE NEW HAMPSHIRE NATIONAL GUARD, AND PROVIDING FOR ITS EFFICIENCY FOR THE PUBLIC DEFENSE.

Be it enacted by the Senate and House of Representatives in General Court convened:—

PART 1.

ENROLLMENTS, LIABILITIES, AND EXEMPTIONS.

SECTION

1. Enrollment lists, what to contain, by whom made, when filed, etc.
2. Reserved militia.
3. Exempts by United-States laws.
4. By this law.
5. Quakers, Shakers, and Friends.
6. Reserved militia subject to active duty, when.
7. How called out.
8. Each town to furnish its quota.

SECTION

9. Punishment for non-appearance.
10. Organization, arms, and equipments
11. Government and pay.
12. Fine for giving false information to enrolling officers.
13. Enrolling officers subject to fine or penalty for neglect of duty.
14. Officer required to make return subject to fine or penalty for neglect of duty.

Enrollment lists, what to contain, by whom made, when filed, etc.

SECT. 1. The names of all male citizens of this state, between the ages of eighteen and forty-five, shall, annually, in April, be enrolled alphabetically by the selectmen of the towns and places and assessors of the cities in which they respectively reside. On such enrollment lists, and opposite the name of every person exempt from military duty, or a minor, or in the active militia, the selectmen and assessors shall write "exempt," and the reason of such exemption, or "minor," or "active militia," as the case may be. Said lists shall contain the whole number enrolled in their respective towns, places, and cities, and the number exempt on said rolls. They shall subscribe and make oath to said lists, that, in their opinion and to the best of their knowledge and belief, they are true. They shall file said lists in the offices of the respective town or city clerks, on or before the first day of May in each year. The town or city clerks shall forward to the adjutant-general, on or before the tenth day of May in each year, a certified copy of said roll, and copy the same into an enrollment book kept by them for that purpose.

Reserved militia.

SECT. 2. All able-bodied male citizens enrolled in this state, not exempt by law and not belonging to the New Hampshire National Guard, shall be known as the Reserved Militia of New Hampshire.

Exempts by U. S. laws.

SECT. 3. The following persons, being exempted from military duty by the laws of the United States, shall not be included in said enrollment: that is to say, the vice-president of the United States; the officers, judicial and executive, of the government of the United States; members of the houses of Congress and their officers; custom-house officers and their clerks; inspectors of exports; pilots and mariners employed in the sea service of a citizen or merchant within the United States; postmasters, assistant postmasters, and their clerks; post-officers, post-riders, and stage-drivers in the care and conveyance of the mail of the United States; telegraph operators, and ferrymen employed at any ferry on a post-road.

SECT. 4. The following persons are also exempted from military duty and shall not be included in said enrollment: that is to say, the members of the executive council; judges and clerks of the police and supreme courts; judges and registers of probate; registers of deeds; the attorney-general; sheriffs; the secretary, deputy secretary, and treasurer of the state; the attendants upon the insane, employed in the asylum for the insane; keepers of light-houses; conductors, enginemen, road-masters, and superintendents of railroads and railroad trains, necessarily employed in running the same; members and officers of the legislature while in session; persons who, having held commissions in the army or navy of the United States, or in the militia of any state for five years, have been discharged or superseded; persons who, having a warrant as drum or fife major, have done duty as such for five years shall be exempt, except in case of war, invasion, rebellion, riot, or reasonable apprehension thereof; persons employed as officers or keepers in the state-prison; the officers and keepers of the asylum for the insane; the superintendent of the reform school and his assistants; officers and keepers of jails and houses of correction; common drunkards, idiots, vagabonds, and persons convicted of any infamous crime in this or any other state. By this law.

SECT. 5. Quakers, Shakers, and members of any society or meeting of the people called Friends are also exempted and shall not be included in said enrollment, if, on or before the twentieth day of April, annually, they produce to the selectmen a certificate, signed by two or more of the elders, overseers, or principal persons, and clerk of the society or meeting with which they unite for worship, that they usually and frequently attend with such society or meeting for public worship, are members thereof in regular standing, and, in the belief of the person signing the certificate, are conscientiously scrupulous of bearing arms. Quakers, Shakers, and Friends.

SECT. 6. The reserved militia so enrolled shall not be subject to active duty, except in case of war, or for the purpose of preventing, repelling, or suppressing invasion, insurrection, or riot, or of aiding civil officers in the execution of the law, and then only when the active force shall be insufficient for that purpose. Reserved militia subject to active duty, when.

SECT. 7. When it is necessary for said purposes, the commander-in-chief may order into actual service as many of the reserved militia as may be required, by draft or otherwise, and, if a draft is to be made, shall issue his orders to the selectmen to return from their towns the number required; and they shall notify the persons enrolled to appear at a time and place of parade appointed by them, and then and there, by draft or voluntary enlistment, procure the required number, and forthwith return their names to the commander-in-chief. How called out.

SECT. 8. When a draft is made, each town shall be required to furnish its quota in proportion to the number of its able-bodied militia; and members of the New Hampshire National Guard called into actual service and volunteers enlisting for any town shall be accounted for upon its quota. Each town to furnish its quota.

SECT. 9. Every person enrolled who is ordered out or is drafted or volunteers, and fails to appear at the time and place designated by the selectmen for his reporting for duty or has not then and

Punishment for non-appearance.

there an able-bodied substitute, shall be dealt with as a soldier absent without leave.

Organization,
arms, and equip-
ments.

SECT. 10. When in actual service, the active and reserved militia shall be organized, by the commander-in-chief, into companies, regiments, brigades, and divisions, and proper officers appointed therefor: commissioned officers shall furnish themselves with a sword, and non-commissioned officers and privates shall be armed and equipped by the state.

Government and
pay.

SECT. 11. Officers and soldiers in actual service shall be governed and trained in accordance with the laws and regulations of the United States for governing the militia when in actual service, and shall receive the same pay as similar grades and arms of the service in the army of the United States.

Fine for giving
false informa-
tion to enrolling
officers.

SECT. 12. Any person knowingly and willfully refusing information or giving false information to any selectman or assessor making such enrollment, respecting the name, age, residence, occupation, military service, or physical or mental disability of himself, or of his son or ward, or person in his employ, or boarding with him, shall be fined twenty dollars; and, if the person incurring such forfeiture is a minor, his parent or guardian shall be liable therefor. In case of doubt as to exemption from military duty, the burden of proving such exemption shall be on the person claiming it; and all enrolling officers may require the persons examined by them to testify under oath and may administer such oath.

Enrolling officer
subject to fine or
penalty for neg-
lect of duty.

SECT. 13. Any selectman or assessor neglecting or refusing to faithfully perform the duty of enrolling officer required by this chapter, or if they make any false entry upon said roll, or commit any other fraud in making said roll, shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year. When the adjutant-general shall find, from the returns of the selectmen or assessors in any town or city, that they have not made a true report of the number of persons liable to military duty under the provisions of this title, he shall notify them by mail that they have failed to make such report; and, if they shall not make true report of the number of such persons, as nearly as the same can be ascertained, within twenty days after such notice, he shall notify the state's attorney in the county in which said selectmen or assessors reside, who shall proceed to collect such fine or enforce such penalty.

Officer required
to make return
subject to fine or
penalty for neg-
lect of duty.

SECT. 14. Any town-clerk or other officer required to forward a copy of the roll to the adjutant-general, and any selectman or other officer required to make any draft or return the names of persons drafted or enlisted to the commander-in-chief, who neglects to make such draft or return, shall forfeit twenty dollars for each neglect, to be recovered by the adjutant-general, and credited to the account of the active militia.

PART 2.

FORMATION AND DUTIES OF THE ACTIVE FORCE.

SECTION

1. Composition of active force; enlistments; minors; surgeon's certificate; active force to be first called and liable at all times.
2. Active, part of enrolled militia.
3. Enlistments by counties; deficiency.
4. Companies raised by petition.
5. Of seventy-five citizens.
6. Enlistment books; valid enlistment, term of.
7. Meeting for nomination of officers.
8. Who to preside.
9. Notice of meeting.
10. Nominations made by ballot by enlisted men.

SECTION

11. Attested copy of enlistment-book to adjutant-general.
12. Number of men to a company.
13. Rank and designation of companies.
14. Brigade organization.
15. Assignment of companies.
16. Number to a regiment, etc.
17. Regimental band.
18. Term of service and discharge.
19. Companies to be disbanded, when.
20. Independent companies may be attached to militia.
21. Same law, etc., govern infantry and heavy artillery.

SECT. 1. The active militia shall be known and designated as the New Hampshire National Guard; and, on a peace footing, shall consist of not more than three regiments of infantry, two four-gun batteries of light artillery, and one squadron of cavalry. All enlistments therein shall be for five years, and made by signing such enlistment books as may be prescribed by the adjutant-general and approved by the commander-in-chief. An attested copy of said enlistment book in the same form shall be made by the clerk and forwarded forthwith to the adjutant-general. Also, when a new enlistment is made in any troop of cavalry, platoon or battery of light artillery, or company of infantry, the commanding officer thereof shall cause the clerk to forward the name of such man or men so enlisted to the adjutant-general. The commanding officer of every troop of cavalry, platoon or battery of light artillery, or company of infantry, or any field or commissioned staff officer of the New Hampshire National Guard, may, and is hereby qualified to, administer the oath required upon enlistment. No enlistment shall be allowed in the New Hampshire National Guard other than able-bodied citizens of this state, between the ages of eighteen and forty-five years, residing in the town or city, or an adjoining town or city, where the armory of the troop of cavalry, platoon or battery of light artillery, or company of infantry is situated. In time of peace, no minor shall be enlisted into the New Hampshire National Guard without the written consent of his parent or guardian. The written consent of the parent or guardian shall be copied into the orderly-book of the organization into which said minor enlists, and the original kept on file. No uniform, allowance, pay, or compensation shall be given by the state to any enlisted man or officer not certified to by the surgeon or assistant surgeon of the regiment, to be able-bodied and capable of doing military duty. The New Hampshire National Guard, herein mentioned, shall be liable at all times to be ordered into active service for the purpose of repelling, preventing, or suppressing invasion, insurrection, or riot, or for aiding civil officers in the execution of the law: and shall first be called out by the commander-in-chief on all occasions for military service.

Composition of active force; enlistments; minors; surgeon's certificate; active force to be first called and liable at all times.

Active, part of
enrolled militia.

SECT. 2. The active militia shall constitute part of the enrolled militia and shall be subject to the laws of the state and of the United States relative to the enrolled militia.

Enlistments by
counties; defi-
ciency.

SECT. 3. The active militia shall be raised by enlistments from the several counties, in proportion, as near as may be, to their population; and, when enlistments from any county are deficient, the commander-in-chief may order enlistments to be made in any county until the deficiency is supplied.

Companies
raised by peti-
tion.

SECT. 4. Troops of cavalry, platoons and batteries of light artillery, and companies of infantry shall be raised on petition to the commander-in-chief, or by his order with the advice and consent of the council.

Of seventy-five
citizens.

SECT. 5. When a petition for raising such troops, platoon, battery, or company has been signed by not less than seventy-five citizens of the town where such organization is to be raised, the order for raising the same may be issued, and the adjutant-general, on application therefor, shall furnish the petitioners with an enlistment-book and roll.

Enlistment-
books; valid
enlistment,
term of.

SECT. 6. Such book and roll shall be prepared by the adjutant-general, in form and with heading to be approved by the commander-in-chief, and of an uniform character for all branches of the service. The signing said book and taking the oath required upon enlistment shall constitute a valid enlistment for five years into the troop, platoon, battery, or company mentioned therein: and no person shall be considered enlisted or entitled to pay or compensation until he is so enlisted.

Meetings for
nomination of
officers.

SECT. 7. When an order has been issued for raising a troop of cavalry or company of infantry, and fifty-eight persons have been enlisted, or thirty-six men enlisted for a platoon of light battery, as is required in section six of this chapter, the petitioners may give notice thereof to the commander-in-chief, who shall issue an order for calling a meeting of the persons who have so enlisted, for the nomination of officers.

Who to preside.

SECT. 8. If a commissioned officer of the volunteer force may conveniently be designated to attend and preside at said meeting, the order shall be directed to him to call said meeting; otherwise to the town or city clerk of the town or city in which a plurality of the persons who have so enlisted reside.

Notice of meet-
ing.

SECT. 9. Such commissioned officer or person designated shall cause seasonable notice of the time and place of meeting appointed by them to be given to each person who has so enlisted, or left at his abode: and, at said meeting, such officer or person named in said order shall preside.

Nominations
made by ballot
by enlisted men.

SECT. 10. At said meeting, the persons present who have so enlisted may, by ballot and major vote, nominate suitable persons to be commissioned as captain and subaltern officers of the troop, platoon, battery, or company; and the person presiding at said meeting shall forthwith file in the office of the adjutant-general his certificate of said nominations.

Attested copy of
enlistment-book
to adjutant-
general.

SECT. 11. As soon as said troop of cavalry, platoon or battery of light artillery, or company of infantry is fully organized, the commanding officer shall cause the clerk of said organization to forward an attested copy of its enlistment-book to the adjutant-general.

SECT. 12. On a peace footing, each troop of cavalry, company of infantry or heavy artillery, shall be limited to fifty-eight officers and men; and each platoon or light battery, to thirty-six officers and men; and each full battery, to seventy-two officers and men; but, in actual service, when the exigency of the case requires it, the commander-in-chief may, by proclamation, authorize enlistments to the maximum standard of similar organizations in the army of the United States; and, when the exigency ceases, he shall, by proclamation, order the reduction of such organizations in the most expedient way, to the limit on a peace footing.

Number of men
to a company.

SECT. 13. The date of the organization of a troop of cavalry, platoon or battery of light artillery, or company of infantry shall be the day of the meeting first held under an order for the nomination of its officers; and each organization shall be designated by alphabetical letters, and have seniority according to the date of the commissions of the commanding officers.

Rank and design-
ation of com-
panies.

SECT. 14. The active force, known as the New Hampshire National Guard, shall be arranged by the commander-in-chief into battalions, squadrons, and regiments, and shall constitute one brigade, under the command of a brigadier-general; and the commander-in-chief may, from time to time, change the organizations at pleasure.

Brigade organ-
ization.

SECT. 15. Each of said organizations shall be assigned to its respective squadron, battalion, or regiment and be numbered and lettered at its formation; and the order for its organization and number and for any alterations therein shall be recorded in the office of the adjutant-general.

Assignment of
companies.

SECT. 16. The squadron of cavalry shall consist of two troops; the battalion of light artillery, of not less than three platoons; and regiments of infantry, of not less than six nor more than ten companies.

Number to a
regiment, etc.

SECT. 17. Each colonel of a regiment may raise by enlistment a band of musicians not exceeding twenty-four, including one master and one deputy-master, to be attached to his regiment, and may issue his warrant to the master, deputy-master, and musicians; *provided*, that the members of such band shall furnish their own instruments, and *provided, further*, that the state uniform shall not be worn except when the band is ordered out by the commander of the regiment or by his permission.

Regimental
band.

SECT. 18. Every non-commissioned officer, musician, and private enlisted into the New Hampshire National Guard shall be held to duty therein for the term of five years, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commander-in-chief upon recommendation of the commandant of his regiment, battalion, separate troop, battery, or company; *provided, however*, that every such non-commissioned officer, musician, and private shall continue to be held to duty, and shall retain his rank and be eligible to promotion after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery, or company omits to apply for his discharge; and, on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application, except when the application is made or approved by the commandant of

Term of service
and discharge.

his troop, battery, or company, in which case the discharge may be granted immediately. Except as herein otherwise provided, no non-commissioned officer, musician, or private of the National Guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, or assistant surgeon, and, in the case of a separate troop, battery, or company, of the surgeon of the brigade to which such separate troop, battery, or company is attached; *always provided, however*, that the commander-in-chief may, for sufficient reasons and in his discretion, grant discharges to enlisted men at any time, upon the recommendation of the commandant of the troop, battery, or company, with the approval of the commandant of regiment or battalion, and of the brigade to which they belong, and, in the case of a separate regiment, battalion, troop, battery, or company attached to a brigade, upon the recommendation of the commandant of such separate regiment, battalion, troop, battery, or company.

Companies to be
disbanded,
when.

SECT. 19. If a troop of cavalry, platoon or battery of light artillery, or company of infantry fails to comply with the law in regard to uniform, equipments, or discipline, so that it is incapacitated to discharge its duties, or if a troop of cavalry or company of infantry is reduced below thirty-two enlisted men, and a platoon of light battery below twenty enlisted men, or a battery below forty enlisted men, such organizations so deficient in numbers may be disbanded by order of the commander-in-chief.

Independent
companies may
be attached to
militia.

SECT. 20. The commander-in-chief may, by special order to that effect, accept as a part of the active force any troop of cavalry, platoon, or battery of light artillery, or company of infantry, raised without previous order therefor, commission officers, nominated by them or otherwise, as he may elect, and attach such organization to any existing regiment or brigade or other organization at his discretion.

Same law, etc.,
govern infantry
and heavy artill-
ery.

SECT. 21. The same law, rules, and regulations applying to companies of infantry shall be applicable to companies of heavy artillery.

PART 3.

OFFICERS, THEIR APPOINTMENT AND DUTIES.

SECTION

1. Staff of commander-in-chief, their appointment and term of office.
2. Duties of adjutant-general.
3. His official bond.
4. To act as quartermaster, paymaster, and commissary-general.
5. To sue for forfeitures and account for moneys.
6. To have charge of arsenals, etc.
7. To procure and issue camp equipage.
8. To issue, receive, and repair arms and equipments.
9. To furnish standards, flags, musical instruments, etc.
10. To issue militia law and tactics.

SECTION

11. To provide supplies for active service.
12. To submit annual estimate of expenses.
13. To furnish funds to regimental paymaster; bond of paymaster.
14. To submit annual statement of disbursements; accounts to be audited and filed.
15. To make report of public property and funds.
16. To record and preserve documents pertaining to military record of New-Hampshire soldiers in war of rebellion.
17. To give certified copies thereof.
18. Penalty for presenting fraudulent papers for record.

SECTION

19. Adjutant-general to have control of armories and gun-houses.
20. Judge-advocate-general supervisor of administration of military justice.
21. Is legal adviser of military department, etc.
22. Surgeon-general's duties.
23. Inspector-general's duties.
24. Duties of quartermaster and commissary-general.
25. Brigadier-general and staff.
26. Infantry field and staff officers.
27. Battalion field and staff.
28. Cavalry and infantry company commissioned and warrant officers.

SECTION

29. Battery ditto.
30. Vacant office filled by next in rank.
31. Regimental commandant to appoint non-commissioned officers of companies, all offices being vacant, etc.
32. To appoint company commander, when.
33. Officers to be appointed by governor and council.
34. Governor to appoint company officers on recommendation of field officers.
35. Arrest, resignation, and removal of officers.
36. Persons excluded from holding office in militia.
37. Officers to be commissioned by the governor.

SECT. 1. The staff of the commander-in-chief shall consist of the adjutant-general, who shall be, *ex officio*, chief of staff, with the rank of major-general; a judge-advocate-general, a surgeon-general, an inspector-general, a quartermaster-general, a commissary-general (who shall be the commissary-general named in the constitution), each with the rank of brigadier-general; and four aids-de-camp, each with rank of colonel. The adjutant-general shall be appointed by the governor, with advice and consent of the council, and shall hold his office during good behavior, or until he is removed therefrom as provided, in the constitution, for the removal of military officers. The commissary-general shall be elected as required by the constitution; and all other staff officers of the commander-in-chief shall be appointed and commissioned by him, and shall hold their office during the term of office of the governor, unless otherwise removed by him, which he may do at pleasure.

SECT. 2. The adjutant-general shall keep his office at the state capitol: shall record and distribute the orders of the commander-in-chief: keep a roster of military appointments and resignations; detail officers for courts-martial and other special service; attend reviews by the commander-in-chief; furnish officers required to keep orderly-books with the same, and all necessary blanks with suitable explanations; keep a record of troops ordered into the service of the United States, and of all other military transactions of the state; and perform all other duties devolving on him as the adjutant and executive officer of the commander-in-chief.

SECT. 3. He shall give bond to the state in the sum of twenty thousand dollars, with sufficient sureties, to be approved by the governor, with advice of the council, conditioned for the faithful performance of the duties and trusts of his office.

SECT. 4. He shall act as quartermaster-general, paymaster-general, and commissary-general, and shall have the general charge and supervision of quarters, transportation, supplies, and pay for the militia in the service of the state.

SECT. 5. He shall sue for forfeitures incurred by officers for neglect to make returns, and for forfeitures and damages on account of injuries to gun-houses, armories, and public military property, and shall annually account for all moneys received by him from the state treasury or any other source, and for fines, penalties, forfeitures, or damages on account of such neglect or injury.

SECT. 6. He shall, by himself or deputies, have charge of the arsenals of the state, and of the artillery, arms, and munitions of

war, and other public property deposited therein, shall receive from the United States all arms and equipments apportioned to this state under the act for arming the militia, and deposit them in the arsenals or in some suitable and proper place, as he deems best for the public service, and cause the same to be kept in proper condition at all times for immediate use.

To procure and issue camp equipage.

SECT. 7. He shall deliver from said arsenals suitable camp equipage, tents, and utensils for the use of a regiment or brigade, when a regimental or brigade encampment is ordered, and, after such encampment, receive and carefully keep the same for the use of troops next ordered into camp; and, if such equipage is not in the arsenals at the time of such encampment being ordered by the commander-in-chief, he shall purchase or provide such camp equipage, tents, and utensils as may be required, and the governor is authorized to draw his warrant for the necessary cost or expense.

To issue, receive, and repair arms and equipments.

SECT. 8. He shall deliver from the arsenals to the commanding officer of each volunteer troop, platoon, battery, or company, such arms and equipments as he is entitled to receive, receive therein the same when required to be returned, and give a receipt therefor: and, if such arms or equipments are damaged, he shall cause the same to be repaired.

To furnish standards, flags, musical instruments, etc.

SECT. 9. He shall furnish to each squadron of cavalry a standard, to each troop of cavalry and platoon of light artillery a guidon, and to each battalion and regiment of infantry a state and national flag of the regulation pattern; and to each battalion and regiment two guidons and four markers, and to the brigade a camp color: and a suitable bell and socket shall accompany each standard or guidon; and he shall furnish camp equipage, musical instruments, and all other things which he is required to procure for the use of the militia.

To issue militia law and tactics.

SECT. 10. He shall distribute to the several officers copies of the militia law of the state, and to each commissioned officer and first sergeant in the New Hampshire National Guard a copy of tactics such as is prescribed for the use of the United-States army, which he shall, from time to time, procure for that purpose, so that each officer entitled thereto shall have a copy; and shall distribute such copies of military books as the legislature may direct, taking receipts therefor.

To provide supplies for active service.

SECT. 11. He shall make provision, personally or through the brigade or regimental quartermasters, for the camp equipage, quarters, transportation, and for the subsistence of the militia when called into active service.

To submit annual estimate of expenses.

SECT. 12. He shall, on or before the first day of September, annually, submit to the governor a detailed estimate of the expenses of the militia for the then current year, including company trainings and encampments; and the governor is authorized to draw his warrants from time to time for such sums as may be necessary for the prompt payment of such expenses, including pay-rolls of officers and privates.

To furnish funds to regimental paymaster; bond of paymaster.

SECT. 13. He shall seasonably furnish the regimental paymasters with funds to pay claims duly allowed in their regiments; but no regimental paymaster shall receive such funds or other public property until he has deposited in the office of the adjutant-general a bond to the state, with sufficient sureties, to be approved by the

adjutant-general, conditioned for the faithful appropriation of all funds or other public property which may come to his hands for the use or on account of the militia.

SECT. 14. He shall, annually, submit to the governor and council, at some session between the first of May and September, an accurate statement of his disbursements for the year preceding, with the vouchers therefor, and the same shall be audited and adjusted by the governor and council, or by some suitable person by them appointed therefor; and the said account and vouchers, when so audited, if allowed, shall be deposited and kept on file in the office of the state treasurer; and, when his account is so audited and adjusted by the governor and council, or by any person or persons by them appointed for that purpose, and by them approved and found correct, he shall receive a certificate from the governor showing that his accounts for the year preceding have been audited and found correct.

To submit annual statement of disbursements; accounts to be audited and filed.

SECT. 15. He shall, annually, in May, make to the governor and council a report in detail of the amount, kind, and condition of all public property in his charge; and, when required, he shall account for all funds, military stores, and other public property committed to his care or which have come to his hands; and deliver to his successor in office all such funds, stores, or other property not by him legally expended.

To make report of public property and funds.

SECT. 16. The adjutant-general shall record in suitable books, to be provided at the expense of the state and to be kept in a fire-proof safe, all original discharges, final statements, certificates of merit, brevets, or other original papers or documents belonging to, or in any way affecting, the military or naval record or claim for service of any officer, soldier, or seaman of this state who served, during the late rebellion, in the army or navy of the United States, which may be brought to him for that purpose.

To record and preserve documents pertaining to military record of N. H. soldiers in war of rebellion.

SECT. 17. He shall examine carefully into the genuineness and authenticity of all papers so recorded, and make an exact and attested record, at the request of the parties interested, of such papers as he deems genuine and authentic, and properly index the same, and furnish certified copies of such record to persons interested therein.

To give certified copies thereof.

SECT. 18. Any person who shall make or cause to be made any false, fraudulent, or forged papers, to be presented for such record, or who shall present or cause to be presented for such record any false, fraudulent, or forged papers, knowing them to be such, shall be deemed guilty of forgery and be imprisoned from three to seven years.

Penalty for presenting fraudulent papers for record.

SECT. 19. The adjutant-general shall have the supervision and control of the armories of the troops of cavalry, companies of infantry, and all gun-houses of platoons and batteries of light artillery, and of all battalion, regimental, and brigade headquarters, so far as is necessary for securing and protecting public property kept therein; and all gun-houses owned by the state shall be in his charge for the purpose of preservation and repair. The adjutant-general, with the advice and consent of the governor and council, may sell and convey any gun-house and lot, and pay the proceeds into the state treasury.

Adjutant-general to have control of armories and gun-houses.

Judge-advocate-general supervisor of administration of military justice.

SECT. 20. The judge-advocate-general is charged with the supervision, care, and management of all things relating to the administration of justice among the military forces of the state. He shall diligently scrutinize and examine the proceedings of all courts-martial, and report thereon for the information of the commander-in-chief. Under the orders of the commander-in-chief, the judge-advocate-general shall act as judge-advocate at any court-martial where the public interests shall require his attendance.

Is legal adviser of military department, etc.

SECT. 21. The judge-advocate-general is the legal adviser of the military department upon all legal questions which may arise therein, and to him may be referred for supervision all contracts, agreements, or other instruments to be drawn or executed in the course of the business of this department. It shall be the duty of the judge-advocate-general to prosecute any bond, the condition of which is violated by a neglect or refusal of any officer to report the condition of any arms or equipage, or to return the same to any of the arsenals of this state, as required by law.

Surgeon-general's duties.

SECT. 22. The surgeon-general, subject to the orders of the commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the National Guard, and shall perform such other duties appertaining to his office as the commander-in-chief may direct.

Inspector-general's duties.

SECT. 23. The inspector-general shall make an annual inspection of each troop of cavalry, platoon and battery of light artillery, and company of infantry, and of all other organizations belonging to the National Guard, at such time as the commander-in-chief may order; *provided, however*, that such inspection shall be made on or before the first day of July in each year. He shall also inspect all armories, books, records, and military property in possession of each organization, and report to the commander-in-chief, through the adjutant-general, within ten days of such inspection, the condition thereof.

Duties of quartermaster and commissary-general.

SECT. 24. The duties of the quartermaster-general and commissary-general shall be the same as prescribed by the regulations of the army of the United States, relative to these departments, so far as applicable and consistent with the laws of this state.

Brigadier-general and staff.

SECT. 25. To each brigade there shall be a brigadier-general, who shall appoint, and may remove at pleasure, one assistant adjutant-general, with the rank of lieutenant-colonel; one judge-advocate, one medical director, one assistant inspector-general, each with the rank of major; one brigade quartermaster, one brigade commissary, one aid-de-camp, each with the rank of captain; and one aid-de-camp, with rank of first lieutenant. There shall also be allowed to each brigade, one brigade bugler, one brigade color-sergeant.

Infantry field and staff officers.

SECT. 26. To each regiment of infantry, there shall be one colonel, one lieutenant-colonel, one major, and a regimental staff to be appointed by the colonel and removable at his pleasure, to consist of one surgeon with rank of major; an assistant surgeon, one paymaster, and one chaplain, each with the rank of captain; an adjutant, one quartermaster, who shall act as paymaster when the office of paymaster is vacant, with the rank of first lieutenant, — all to be commissioned by the governor and commander-in-chief; and a non-commissioned staff, to consist of a sergeant-major, a

quartermaster-sergeant, a commissary-sergeant, a hospital steward, and a drum-major, appointed by warrant of the colonel.

SECT. 27. To each separate battalion, there shall be a major and battalion staff, to be appointed by him and removable at his pleasure, to consist of an adjutant, a quartermaster, who shall serve as paymaster, each with the rank of first lieutenant, and a surgeon, with rank of captain, to be commissioned by the governor; and a sergeant-major and quartermaster-sergeant, to be appointed by warrant of the major.

Battalion field and staff.

SECT. 28. To each troop of cavalry or company of infantry, there shall be a captain, a first lieutenant, and a second lieutenant, each to be commissioned by the governor, and five sergeants, the first to be orderly-sergeant and clerk of the troop or company, and four corporals, to be appointed by the captains and subalterns of the troop or company, and confirmed by warrant of the colonel, countersigned by the adjutant of the regiment or battalion to which such troop or company is attached, and removable upon the recommendation of a majority of the commissioned officers of the troop or company, subject to the approval of the colonel or officer in command of the regiment or battalion to which such organization belongs.

Cavalry and infantry company commissioned and warrant officers.

SECT. 29. To each four-gun battery, there shall be a captain, a senior first lieutenant, a junior first lieutenant, and a second lieutenant, to be commissioned by the governor and commander-in-chief; six sergeants, the first to be orderly and clerk of the battery, four chiefs of sections, one quartermaster-sergeant, and eight corporals, who shall receive their warrant of appointment in the same manner as the non-commissioned officers of a company.

Battery ditto.

SECT. 30. When the office of brigadier-general, colonel, major, or captain is vacant, or such officer is sick or absent, the officer next in rank in the brigade, regiment, battalion, troop, platoon, battery, or company shall exercise his command and have the same powers and be subject to the same duties and liabilities.

Vacant office filled by next in rank.

SECT. 31. When a troop, platoon, battery, or company is without officers, the commander of the regiment or battalion to which it is attached shall appoint non-commissioned officers for the troop, platoon, battery, or company; and the senior officer so appointed shall act as clerk thereof, and shall command the troop, platoon, battery, or company, except when on parade or when an officer is detailed for such command as provided in the following section.

Regimental commandant to appoint non-commissioned officers of companies, all offices being vacant, etc.

SECT. 32. When a troop, platoon, battery, or company is without commissioned officers, the commander of the regiment or battalion to which it is attached shall detail some officer of the staff or line in his command to take command of and discipline such troop, platoon, battery, or company until an officer is commissioned therefor; and the officer so detailed shall have the powers and be subject to the duties and liabilities of the captain of said troop, platoon, battery, or company.

To appoint company commander, when.

SECT. 33. All officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place unless a majority of the council agree thereto.

Officers to be appointed by governor and council.

Governor to appoint company officers on recommendation of field officers.

SECT. 34. The captains and subalterns in the respective regiments and battalions shall be nominated and recommended by the field officers to the governor, who is to issue their commissions immediately on receipt of such recommendations.

Arrest, resignation, and removal of officers.

SECT. 35. Any commissioned officer convicted of an infamous crime shall be ordered under arrest by his next superior: and no officer shall resign his commission while under arrest, nor until he has accounted for and delivered to the proper officer all public money, files, records, and property in his possession. And no officer duly commissioned to command in the New Hampshire National Guard or militia shall be removed from his office but by the address of both Houses to the governor or by fair trial in court-martial, pursuant to the laws of the state for the time being.

Persons excluded from holding office in militia.

SECT. 36. No person shall hold, or be commissioned to, any office in the New Hampshire National Guard, who shall be engaged in the illegal sale or traffic of spirituous or intoxicating liquors, or engaged in any other illegitimate business.

Officers to be commissioned by the governor.

SECT. 37. All general, field, staff, and line officers having the rank of lieutenant, or of a higher grade, and surgeons, assistant surgeons, a judge-advocate, and a state inspector, and chaplains, shall be commissioned by the governor, with advice of the council, except as is otherwise provided in this act.

PART 4.

ORDERLY-BOOKS, ROSTERS, AND RETURNS.

SECTION

1. Brigade, regimental, etc., orderly-books.
2. Quartermaster's orderly-book.
3. Roster of officers and non-commissioned officers.
4. Permits and surgeon's certificates to be recorded.
5. Annual return of men enrolled.
6. Of public property.
7. Clerk's duty.

Brigade, regimental, etc., orderly-books.

SECT. 1. The assistant adjutant-general of each brigade, the adjutant of each regiment or battalion, and the orderly of each troop, platoon or battery, and company, shall keep an orderly-book and record therein all orders and official communications received or issued by his commanding officer, and all returns signed by him, and shall distribute all orders of his commanding officers.

Quartermaster's orderly-book.

SECT. 2. Each quartermaster shall keep an orderly-book, and record therein all orders and official communications received or written by him relating to his office or the public property in his charge, all receipts for public property distributed, and returns of public property made by him.

Roster of officers and non-commissioned officers.

SECT. 3. The assistant adjutant-general of each brigade and the adjutant of each regiment or battalion shall keep in his orderly-book a roster of the officers and non-commissioned officers of his regiment or battalion, with the dates of their appointment: and

SECTION

8. Lists of officers and men in active militia to be certified to selectmen.
9. Regimental and brigade returns.
10. Quartermaster's returns.
11. Time of making returns.
12. Adjutant-general to record and forward returns.
13. To record return of assistant quartermaster-general.

the clerk of each troop, platoon, battery, or company shall keep a like roster of officers and non-commissioned officers of his troop, platoon, battery, or company.

SECT. 4. The clerk of each troop, platoon, battery, or company shall record in his orderly-book all permits and surgeon's certificates presented to him for record. Permits and surgeon's certificates to be recorded.

SECT. 5. The commanding officer of each troop, platoon, battery, or company, on the first Tuesday of April in each year, shall make and sign a correct return, in the form prescribed, of the number of persons enrolled in his troop, platoon, battery, or company, and cause the same to be recorded in the orderly-book of his command, signed by the clerk, and transmitted to the adjutant of the regiment or battalion. Annual return of men enrolled.

SECT. 6. He shall, at the same time, make and sign a correct return, in the form prescribed, of the camp equipage, ordnance, military stores, musical instruments, and other public property in his troop, platoon, battery, or company, furnished by the state, cause the same to be signed and recorded by the clerk, and transmitted to the quartermaster of his regiment. Of public property.

SECT. 7. The clerk shall assist the officer in command in making his returns, and shall sign and record the same in his orderly-book. Clerk's duty.

SECT. 8. The clerk of each troop, platoon, battery, or company shall, annually, in March, file with the selectmen and assessors of each town or city in which any officer or soldier of his troop, platoon, battery, or company is liable to be enrolled a certified list of such officers and soldiers: and a certified copy of such certificate shall be evidence of the enrollment, in said troop, platoon, battery, or company, of the persons named in said list. Lists of officers and men in active militia, to be certified to selectmen.

SECT. 9. The adjutant of each regiment or battalion shall furnish the commander of each troop, platoon, battery, or company assigned to the regiment or battalion of which he is adjutant, with blank forms of returns to be made by them, and explain how to be made; shall consolidate the returns made to him into a regimental return, record the same in his orderly-book, and transmit the same, countersigned by the colonel, to the assistant adjutant-general of the brigade, and keep on file the returns made to him; the assistant adjutant-general shall consolidate the returns made to him into a brigade return, record the same in his orderly-book, and transmit the same to the adjutant-general, and keep on file in his office a copy of the same. Regimental and brigade returns.

SECT. 10. The quartermaster shall consolidate the returns made to him into a regiment or battalion return, add thereto the public property in his keeping, record the same in his orderly-book, and transmit it, countersigned by the colonel, to the assistant quartermaster-general, who shall consolidate all returns made to him, add thereto all public property in his keeping, record the same in his orderly-book, and transmit it, countersigned by the brigade commander, to the quartermaster-general; and keep on file the returns made to him. Quartermaster's returns.

SECT. 11. The returns of troops, platoons, batteries, and companies shall be made to the adjutants and quartermasters on or before the first Tuesday of April in each year, and the returns of adjutants and quartermasters on or before the third Tuesday of April, annually; and the assistant adjutant-general and assistant Time of making returns.

quartermaster-general shall forward their returns to the adjutant-general and quartermaster-general on or before the first day of May next following the third Tuesday of April in each year; and any officer neglecting to make return within the time required shall forfeit twenty dollars; but such forfeiture may be remitted by the commander-in-chief, when, upon a report of the facts by the adjutant-general, he deems the neglect excusable.

Adjutant-general to record and forward returns.

SECT. 12. The adjutant-general shall, as soon as may be, examine and record the brigade returns, and transmit the same to the commander-in-chief, and a duplicate thereof to the secretary of war of the United States.

To record return of assistant quartermaster-general.

SECT. 13. He shall examine and record the return of the assistant quartermaster-general, add thereto all public property in his possession or issued to regimental quartermasters, or not otherwise accounted for, and record and transmit the same to the commander-in-chief.

PART 5.

UNIFORMS, ARMS, AND EQUIPMENTS, ORDNANCE AND GUN-HOUSES.

SECTION

1. Uniforms, arms, equipments, and horses, by whom furnished.
2. Commissioned officers may adopt uniform with approval of adjutant-general.
3. Present uniforms may be retained.
4. Uniforms, arms, etc., to be issued, when.
5. Ordnance stores.

SECTION

6. Rent of armories and gun-houses.
7. Allowance for repairs and powder.
8. Punishment for breaking and entering armory, etc.
9. For larceny of or trespass on state property.
10. For selling or appropriating arms, etc.

Uniforms, arms, equipments, and horses, by whom furnished.

SECT. 1. The officers of the active force or New Hampshire National Guard shall furnish their own uniforms, the state military button being furnished therefor by the state; but the state shall furnish each officer, according to his rank, a belt and side-arms and shoulder-knots of the United-States regulation pattern. Non-commissioned officers and privates in the cavalry shall furnish their own horses; but the uniforms, arms, and equipments, including saddles and horse-equipments, of non-commissioned officers and privates shall be furnished by the state, through the quartermaster-general.

Commissioned officers may adopt uniform with approval of adjutant-general.

SECT. 2. A majority of all the commissioned officers of each regiment, battalion, or separate troop, platoon, or battery of light artillery, or unattached company, at a meeting called for that purpose, may adopt a uniform for their command. They shall make return of their doings in writing to the adjutant-general; and, if approved by him, such uniform shall become and remain the established uniform of that command; *provided, however*, that the color shall be the same as worn in the corresponding branches of the United-States service. Members of any regiment, battalion, or unattached company may add such sums as they see fit to the amount allowed by the state for the purchase of uniforms, but the payment of such sums shall in no way affect the right and title of the state to such property.

SECT. 3. Existing companies having a different uniform from that prescribed may retain and use the same, unless otherwise ordered by the commander-in-chief. Present uniforms may be retained.

SECT. 4. When a troop or company has provided a suitable armory, upon filing in the office of the adjutant-general satisfactory evidence thereof, with a copy of the roll of said troop or company, the commander-in-chief may issue his order for the delivery, to the commanding officer of the troop or company, the necessary arms, uniforms, and equipments; and, upon receiving the same, said officer shall receipt therefor to the adjutant-general, and file in his office his obligation to hold the same for the use of the troop or company, to keep them in good order, and to return or transfer them according to any legal order therefor. Uniforms, arms, etc., to be issued, when.

SECT. 5. When a suitable gun-house has been provided by a platoon or battery of light artillery and approved by the commander-in-chief, he may order the platoon or battery to be furnished with the necessary ordnance, equipments, and stores, a like receipt and obligation for their safe keeping and return being filed in said office. Ordnance stores.

SECT. 6. The necessary expense for the rent of an armory for each volunteer company of infantry, not exceeding one hundred dollars a year, and for an armory and gun-house of each troop of cavalry, platoon or battery of light artillery, not exceeding one hundred and fifty dollars a year, and for each battalion, regimental, or brigade headquarters, not exceeding one hundred dollars a year, shall be allowed by the governor, and paid, on his order, by the adjutant-general, to the commander of each brigade, regiment, battalion, troop, battery, platoon, or company. Rent of armories and gun-houses.

SECT. 7. Such further sum shall be so allowed and paid annually to the commander of each platoon or battery of light artillery as may be necessary for the repairs of ordnance and equipments, and powder, the expenditure being first authorized by the adjutant-general, and a detailed account thereof, verified by the oath of the commander of the platoon or battery, being filed in the office of the adjutant-general. Allowance for repairs and powder.

SECT. 8. If any person shall, in the night-time, unlawfully break and enter, or, in the day-time, break or enter, any armory, gun-house, or arsenal, owned, rented, or controlled by the state of New Hampshire, or if he shall unlawfully break and enter any armory, gun-house, or arsenal, and commit larceny, or trespass on any property therein, belonging to the state, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding fifteen years, either or both. Punishment for breaking and entering armory, etc.

SECT. 9. Any person who commits larceny, or takes and carries away, or commits trespasses on, any property belonging to the state, or who willfully and maliciously injures or destroys any armory, gun-house, arsenal, or other property belonging to the state, wherever the same is situate or contained, shall forfeit to the state not less than twenty nor more than fifty dollars, to be recovered by action of debt, and shall also be liable to pay double damages sustained thereby, or imprisoned not exceeding ten years, said forfeiture, damages, and penalty to be collected and enforced by the adjutant-general, and by him turned over to the state treasurer, to be credited to the account of the New Hampshire National Guard. For larceny of or trespass on state property.

For selling or appropriating arms, etc.

SECT. 10. Any person selling, offering for sale, secreting, or otherwise unlawfully disposing of or appropriating any arms, equipments, or stores, furnished by the state for military use, or wearing or using any arms, uniforms, or equipments when not on duty, without consent of his commanding officer, shall be fined not exceeding three hundred dollars, or be imprisoned not exceeding six months, or both, and, in addition thereto, shall pay three times the value of such arms, equipments, uniforms, or stores so unlawfully disposed of or appropriated, and three times the damage to such arms, uniforms, and equipments so worn or used.

PART 6.

PARADES AND ENCAMPMENTS.

SECTION

1. Annual company parade.
2. Other company parades.
3. Annual encampments.
4. Commander-in-chief to issue order for.
5. Grounds for encampments.
6. Assessment of damages for.
7. Owner dissatisfied may petition supreme court.
8. Troops to be drilled and exercised.

SECTION

9. Inspected and reviewed.
10. Officers and men exempted from arrest.
11. Authority of officer commanding encampment.
12. Target practice.
13. United-States army regulations and laws to govern militia.
14. School of instruction for officers ; pay for attendance and fine for non-attendance.

Annual company parade.

SECT. 1. The commanding officer of every troop, platoon, battery, or company shall, on the second Tuesday in May, annually, at one o'clock in the afternoon, parade his command, at which parade he shall inspect the arms and equipments of his men.

Other company parades.

SECT. 2. He shall also parade his troop, platoon, battery, or company one other half-day previous to the annual encampment, and may parade them at such other times as the company may authorize by a vote of two-thirds of the company present at any parade duly warned ; and, at all parades, he shall drill and instruct his company in military exercises and evolutions.

Annual encampments.

SECT. 3. There shall be an annual encampment of the New Hampshire National Guard, by brigade, regiments, battalions, or otherwise as the commander-in-chief may order, for at least four days, during the month of September, the order for which shall be delivered to the brigade commander, if the encampment is to be by brigade, thirty days, and to the regimental commander twenty days, before the time appointed therefor.

Commander-in-chief to issue order for.

SECT. 4. The commander-in-chief shall seasonably issue his orders for such encampment ; and, if no time or place is designated therefor by him, the time and place shall be determined by the commander of the troops to be encamped, regard being had to their convenience in travel to the place designated.

Grounds for encampments.

SECT. 5. The officer commanding the troops to be encamped may contract for the use of the land required for the encampment, at a reasonable rent to be paid therefor ; and, if suitable ground can not be procured by agreement with the owner for such rent, the

commander-in-chief may order such suitable ground to be taken into the possession of the state and occupied for the encampment.

SECT. 6. Upon petition of the owner of the land so occupied to the county commissioners, they shall assess the damages occasioned by such occupation, and make return thereof to the adjutant-general; and the amount so assessed, with costs, shall be paid from the state treasury. Assessment of damages for.

SECT. 7. If the owner is dissatisfied with the damages so assessed, he may apply by petition to the supreme court, at the next trial term thereof in the county where the land lies, for an assessment of his damages by a jury; and like proceedings shall be had thereon, so far as the same are applicable, as in the case of damages for land for a highway. Owner dissatisfied, may petition supreme court.

SECT. 8. At said encampment, the troops shall be drilled and exercised in camp and field duty according to the tactics in use in the military service of the United States, so as to render them, so far as may be practicable, familiar with the routine of such service, by troops, platoons, batteries, companies, battalions, regiments, and brigades. At regimental or battalion encampments, the brigade commander may review and inspect the same. Troops to be drilled and exercised.

SECT. 9. During the encampment, the troops shall be inspected and reviewed, the adjutant of each regiment inspecting his regiment, if no inspector of superior rank is present, and the commander of the encampment reviewing in the absence of his superior. Inspected and reviewed.

SECT. 10. No officer, non-commissioned officer, musician, or private shall be arrested on any civil process while going to, returning from, or attending upon, any military duty, court-martial, or court of inquiry which it is his duty to attend. Officers and men exempted from arrest.

SECT. 11. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put or cause to be put under arrest, during such encampment or parade, any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct. He may arrest, and have authority to appoint assistants to arrest, any other person or persons who are disorderly, or who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command; and he may prohibit the sale of all spirituous or malt liquors, or cider, within one mile of such parade or encampment ground. Authority of officer commanding encampment.

SECT. 12. The commander-in-chief may order such target or rifle practice, at the annual encampment or at other times, by companies, platoons, batteries, battalions, or regiments, as he deems for the best interest of the service. Target practice.

SECT. 13. The New Hampshire National Guard, or active force, when in actual service, shall be subject to the laws and regulations of the United States for governing the militia when in actual service; and, upon a peace basis, it shall be governed by the same rules and regulations as to police, precedents, punishment, and camp and field duty, not repugnant to the laws of the state, as are prescribed in the army regulations for governing the army of the United States in time of peace. U. S. army regulations and laws to govern militia.

School of instruction for officers; pay for attendance, and fine for non-attendance.

SECT. 14. The commanding officer of each brigade, regiment, battalion, squadron, or battery shall require the commissioned officers of his command to meet for instruction and drill at such times and places as he may designate, provided there shall be not less than two nor more than four such meetings in each year. Said officers shall be formed into a school of instruction, without regard to rank, and shall be instructed in such theoretical, tactical, and practical details of military duty and discipline as the said commanding officer may deem proper. Each officer in attendance at such meeting shall be allowed the same compensation as said officers of a like rank for one day's duty at the annual encampment. And any officer failing to appear at said meeting when notified shall be fined the same as for non-attendance at an encampment; but the commanding officer may remit such fine, when, in his opinion, a sufficient and proper excuse is given within ten days after said meeting; said fine shall be collected and paid to the state treasurer, as in other cases for collection of fines, and credited by him to the account of the New Hampshire National Guard.

PART 7.

WARNINGS AND EXCUSES.

SECTION

1. Warnings, by whom made.
2. How made.
3. Evidence that notice was given.
4. Oath, by whom administered.
5. False return, perjury.
6. Fine for neglect to warn.
7. Band, how warned.
8. Fine for neglect to warn members of band; return on order of notice to be made through adjutant; fine for failure to report for duty.

SECTION

9. Fine for neglect to make return.
10. Excuse for non-appearance.
11. To be made in writing to the clerk.
12. Evidence of excuse not admissible until.
13. Evidence of disability.
14. Surgeon's certificate *prima-facie* evidence of disability.
15. Forfeiture for receiving pay for such certificate.

Warnings, by whom made.

SECT. 1. When a troop, platoon, battery, or company is to be paraded, the commander shall issue his orders to one or more of the sergeants, if any, not being the orderly-sergeant, otherwise to one or more privates of his troop, platoon, battery, or company, requiring them to warn the officers, musicians, and privates whose names are inserted in or annexed to the order to appear at the time and place appointed for parade.

How made.

SECT. 2. Such sergeant or private shall warn every person whose name is so inserted, by delivering to him in person, or leaving at his abode, a written order, at least four days previous to the time of such parade.

Evidence that notice was given.

SECT. 3. The return under oath of the sergeant or private, upon the order directed to him, stating that such notice was given, or a copy of the record of such order and return in the company books, certified by the clerk, is evidence that due notice was given of such parade.

Oath, by whom administered.

SECT. 4. The captain or any commissioned officer shall be qualified by virtue of his commission to administer such oath upon any return or military order.

SECT. 5. Any sergeant or private convicted of willfully making a false return shall be punished as in other cases of perjury. False return, perjury.

SECT. 6. If any sergeant or private shall neglect or refuse to warn any officer, musician, or private whom he is ordered to warn, he shall forfeit the sum of two dollars for each person not warned. Fine for neglect to warn.

SECT. 7. When a regimental band is wanted for duty, the commanding officer of the regiment to which such band belongs, may issue his warrant, or cause it to be issued through his adjutant, directed to the master, deputy-master, or any member of said band, warning them to appear for duty at a time and place named therein. Band, how warned.

SECT. 8. Any person required to warn the members of any band shall be subject to the same duties and liabilities as are required and imposed upon any person ordered to warn any officer, non-commissioned officer, musician, or private. The return on such order shall be made through the adjutant of the regiment to the officer issuing it, and recorded by the adjutant in his orderly-book. If any member of such band, when warned, fails to report for duty at the time and place named in the order, he shall be liable and subject to the same law and regulations as are imposed upon officers, non-commissioned officers, musicians, and privates for non-appearance. Fine for neglect to warn members of band; return on order of notice to be made through adjutant; fine for failure to report for duty.

SECT. 9. If any sergeant or private refuses or neglects to make due return under oath of any order to him directed, agreeably to such order, he shall forfeit two dollars for each person whose name is inserted in or annexed to such orders and who does not appear at such parade, to be recovered by action of debt by the commander; but the commander, for good cause shown within fifteen days, may excuse him. Fine for neglect to make return.

SECT. 10. If any non-commissioned officer, musician, or private is confined to his house by sickness at the time of any training or encampment, or is absent from town at the time he is warned and remains absent till after such training or encampment, or has any other reasonable excuse, the commander may excuse him for non-appearance. Excuse for non-appearance.

SECT. 11. No excuse shall be received unless the same is made in writing, and filed with the clerk within ten days after such training or encampment, and recorded in the clerk's orderly-book, unless it is proved, that, by reason of continued sickness or absence, such officer or soldier was unable to make the same within that time, and that the same was made immediately on his return or recovery. To be made in writing to the clerk.

SECT. 12. No evidence of any excuse shall be received in any legal process until it is shown that notice was given of the same as herein provided. Evidence of excuse not admissible until.

SECT. 13. No evidence of any disability by reason of bodily infirmity or debility, except in cases where the party is confined to his house by sickness, shall be admitted in any case but the certificate of the surgeon or assistant surgeon of the regiment or battalion, or, if there is no such surgeon or assistant surgeon located in the town or city where the party is confined on account of disability, an affidavit of a physician in good and regular standing, and practicing medicine under the laws of the state, regularly sworn to by any officer qualified to administer oaths, may be admitted. Evidence of disability.

Surgeon's certificate *prima-facie* evidence of disability.

SECT. 14. The certificate of the surgeon or assistant surgeon, or the affidavit of a physician as provided in the preceding section, that any person is unable to perform the duty required of soldiers in the active militia, by reason of bodily infirmity or disability therein described, recorded in the orderly-book, is *prima-facie* evidence of such disability; and, if, in the opinion of the surgeon, assistant surgeon, or physician, the disability arises from causes of a permanent or continuing nature, the certificate or affidavit shall express the time such disability will probably continue.

Forfeiture for receiving pay for such certificate.

SECT. 15. Any surgeon or assistant surgeon who receives compensation for such certificate or for the examination made therefor, shall forfeit fifty dollars, to be recovered by action of debt, to the use of the prosecutor.

PART 8.

PAY AND COMPENSATION FOR MILITARY SERVICE.

SECTION

1. Adjutant-general to act as paymaster-general.
2. Pay of militia.
3. Salary of adjutant-general.
4. Of commissary-general.
5. Pay of judge-advocate, members of courts-martial, and witnesses.
6. Of regimental band.
7. Pay for attendance at company parade and inspection.
8. Pay when in actual service.
9. Allowance for horses.
10. Transportation.

SECTION

11. Pay-rolls to be made after training or inspection.
12. Certified by whom.
13. Vouchers for supplies and transportation.
14. Pay-rolls to be made at every parade or encampment.
15. Of regimental band.
16. Company commandants to pay their companies; fine for neglect to pay.
17. Pay-rolls of field and staff.
18. Of brigade officers.
19. Postage and other incidental expenses.

Adjutant-general to act as paymaster-general.

SECT. 1. The adjutant-general shall act as paymaster-general, and shall have the general charge and supervision of all expenses and pay for the militia in the service of the state.

Pay of militia.

SECT. 2. There shall be paid, for subsistence, attendance, and performance of duty, to such officers, non-commissioned officers, musicians, and privates as shall be specially ordered to attend encampments and parades, as is provided in this act, the following sum each per day, for every day actually on duty, the inspecting officer excepted:—

Of enlisted men.

To all non-commissioned officers, musicians, and privates, members of regimental bands excepted, one dollar.

Line officers.

To all commissioned officers of the line, two dollars.

Field officers below colonel.

To all field officers below the rank of colonel, three dollars.

Regimental commandants.

To all commanding officers of regiments, five dollars.

Regimental and non-commissioned staff.

To all regimental staff officers and the staff officers of a battalion, two dollars and fifty cents; and to all non-commissioned staff officers, one dollar and twenty-five cents.

Brigade commandant.

To the brigadier-general or brigade commander, six dollars.

Brigade staff.

To all brigade staff officers, four dollars.

Inspector-general.

The inspector-general shall receive for his services the sum of three dollars per day for the time actually and necessarily employed in making inspections, when ordered by the commander-in-chief, and all necessary expenses incurred; *provided, however,*

that such compensation for pay and expenses shall not exceed five hundred dollars per annum.

SECT. 3. The adjutant-general shall receive, as compensation for his services as adjutant-general, quartermaster-general, commissary-general, and paymaster-general, an annual salary, to be fixed from time to time by the legislature. Salary of adjutant-general.

SECT. 4. The commissary-general, being relieved from active duty, shall receive an annual salary of ten dollars, which sum shall not be taken into account for any services rendered by him at the request of the adjutant-general or for taking charge of any public property in his care. Of commissary-general.

SECT. 5. The judge-advocate, members of courts-martial, other officers necessarily employed in any court-martial, and witnesses shall be allowed the same fees for services as are provided in chapter [part] eleven of this act. Pay of judge-advocate, members of courts-martial, and witnesses.

SECT. 6. To each member of regimental bands, there shall be paid, as compensation for services and subsistence, when ordered out by the regimental commander to do duty for the regiment, the sum of two dollars per day. Of regimental band.

SECT. 7. All officers, non-commissioned officers, musicians, and privates shall be paid, each, one dollar per day for attendance and performance of duty as required in sections one and two, chapter [part] seven of this act, and fifty cents when specially ordered out for inspection by order from the commander-in-chief; but no compensation shall be allowed for any other company training. Pay for attendance at company parade and inspection.

SECT. 8. The New Hampshire National Guard, or active force, when in the actual service of the state in time of war, insurrection, invasion, riot, or imminent danger thereof, shall, during their time of services, be entitled to the same pay, rations, and allowances for clothing as are, or may hereafter be, established by law for the army of the United States. Pay when in actual service.

SECT. 9. There shall be allowed, for each horse actually employed by officers required to be mounted, three dollars per day, for horses used in the cavalry, for non-commissioned officers and orderlies when required, two dollars per day, and, for each draft horse employed in batteries of light artillery, not exceeding sixteen to each platoon, the sum of two dollars per day, which shall be in full for use, keeping, and forage. Allowance for horses.

SECT. 10. Transportation shall be furnished by the state, through the quartermaster-general, to and from the place of any encampment or parade, when troops are ordered out by the commander-in-chief. Transportation.

SECT. 11. The commanding officer of each troop, platoon, battery, or company shall present to the paymaster of his regiment, and, when there is no paymaster to a regiment or battalion, to the quartermaster, as soon as may be after a company training or inspection, a pay-roll of his command, certified by the clerk, showing the number of officers, non-commissioned officers, musicians, and privates that appeared at that training or inspection; and the paymaster or quartermaster, as the case may be, shall pay to the commanding officer the amount of the pay-roll, and take therefor his receipt, indorsed on the pay-roll. Pay-rolls to be made after training or inspection.

SECT. 12. Pay-rolls for privates, non-commissioned and commissioned officers shall be certified by the orderly-sergeants and com- Certified by whom.

manding officers of their respective troops, platoons, batteries, and companies, and approved by the colonel of the regiment to which they are attached; pay-rolls for general, field, and staff officers, shall be certified by the general or colonel commanding the parade or encampment.

Vouchers for supplies and transportation.

SECT. 13. Accounts for supplies and transportation for a regiment in camp shall be certified by the colonel commanding before they are paid by the regimental paymaster.

Pay-rolls to be made at every parade or encampment.

SECT. 14. At every parade or encampment, when regularly ordered, such commanding officer shall furnish to the paymaster, or, if no paymaster, to the quartermaster, a pay-roll of his troop, platoon, battery, or company, certified by the commanding officer of the regiment or battalion, showing the number in such troop, platoon, battery, or company that appeared and did duty at the parade or encampment, and number of days' service performed by each officer, non-commissioned officer, musician, and private; and the paymaster or quartermaster shall pay the captain or commanding officer of such organization the amount of the pay-roll.

Of regimental band.

SECT. 15. The master, or, in his absence, the deputy-master, shall make and furnish the paymaster, or quartermaster when acting as paymaster, a like pay-roll of his regimental band when under pay, to be certified by the commanding officer of the regiment or battalion; and the paymaster or acting paymaster shall pay to the master or deputy-master the amount of the pay-roll.

Company commandants to pay their companies; fine for neglect to pay.

SECT. 16. Commanding officers shall pay to each officer, non-commissioned officer, musician, and private of his troop, platoon, battery, or company (and the master or deputy-master the amount due each member of his band) the amount due them for attendance, and shall take their receipts therefor, and file them with the clerk of the troop, platoon, battery, or company, the master or deputy-master filing their receipts with the adjutant of the regiment. Every officer or master or deputy-master who neglects or refuses to pay money so received by him to the person entitled thereto, for the space of ten days after demand made therefor, shall be fined one hundred dollars, for the use of the New Hampshire National Guard.

Pay-rolls of field and staff.

SECT. 17. Pay-rolls for the field and staff officers of a regiment or battalion, and the non-commissioned staff officers, shall be made and furnished the paymaster or acting paymaster by the adjutant, and certified by the colonel or officer commanding the regiment or battalion.

Of brigade officers.

SECT. 18. Pay-rolls for brigade officers shall be made and forwarded by the assistant adjutant-general, countersigned by the brigade commander, to the paymaster-general, who shall pay the amount due to each of the brigade officers and non-commissioned officers, taking their receipt therefor.

Postage and other incidental expenses.

SECT. 19. Postage, and all other reasonable expenses, necessarily incurred in the transmission of orders and returns or in transporting public property, shall be paid by the adjutant-general, upon satisfactory evidence of such expenditure.

PART 9.

NON-APPEARANCE, DEFICIENCIES, AND FINES.

SECTION

1. Fine for non-appearance or absence without leave.
2. For appearance without uniform, etc.
3. For appearing with fire-arm loaded with shot.
4. For refusal to obey orders.
5. Clerk to record all fines.
6. Fines levied by warrant of commander directed to clerk, or by complaint.
7. Form of warrant.
8. When issued.

SECTION

9. Clerk's powers, fees, and responsibility.
10. Persons arrested may be discharged, when.
11. Plaintiff's costs limited in action for damages.
12. Fines to be paid to state treasurer.
13. Fines of wards and minors.
14. Issue and service of summons upon complaint.
15. Judgment, appeal, and execution.
16. Fines exceeding \$13.33 to be recovered by complaint in supreme court ; indictments.
17. Dishonorable discharge.

SECT. 1. Any officer, non-commissioned officer, musician, or private who neglects, after due notice, to appear at any training, inspection, or review, or who is at any time absent from his guard, troop, platoon, battery, or company without leave from the commanding officer, before such guard, troop, platoon, battery, or company is dismissed, shall be fined three dollars.

SECT. 2. Any non-commissioned officer or private who, after due notice, appears at any training, inspection, or review without the uniform, arms, and equipments of his troop, platoon, battery, or company, shall be fined five dollars if the offense is committed at any encampment, and three dollars if at a company training.

SECT. 3. Any non-commissioned officer or private who comes on parade at any training, inspection, encampment, or review, with his pistol, musket, or rifle loaded with powder and ball, slugs, or shot, shall be fined not less than twenty and not more than fifty dollars or imprisoned not less than one and not more than twelve months, for such offense.

SECT. 4. Any officer, musician, or private, who, after due notice, neglects to obey any legal order to turn out and march for the suppression of a riot, or in case of an invasion or threatened invasion, or to enforce the execution of the laws of the state or of the United States, or, when out, refuses to obey the command of his superior officers, shall be fined not less than one hundred and not more than five hundred dollars or imprisoned not less than one nor more than two years.

SECT. 5. The clerk of each troop, platoon, battery, or company shall make in his orderly-book a record of all persons who have incurred a fine at each training or encampment, specifying their offenses, which shall be signed by the commander and clerk: and the same or a certified copy thereof is evidence of such offense, but other evidence relating thereto may be received.

SECT. 6. Fines for non-appearance, for deficiency of equipment, and for disorderly conduct, when the amount does not exceed thirteen dollars and thirty-three cents, may be levied by distress, by warrant under the hand and seal of the commander of the troop, platoon, battery, or company, directed to the clerk; or a complaint may be filed by the clerk before a justice, at the choice of the commander.

Form of war-
rant.

SECT. 7. The warrant may be in substance as follows : —

THE STATE OF NEW HAMPSHIRE.

[L. S.] *To the clerk of , in the regiment of New Hampshire National Guard, in said state : —*

Whereas, , of , in the county of , a liable to do military duty in said , being duly warned to appear on parade near , in , on the day of , 18 , at of the clock in the noon, armed and equipped for inspection or military exercise, and there to await further orders, being the time and place of mustering said military organization, did unnecessarily neglect [here insert the offense], whereby he has incurred a fine of dollars, for which is by law liable.

You are, therefore, in the name of the state of New Hampshire, required, by distress and sale of the goods and chattels of the said , to levy and collect said fine, with forty cents more for this precept and your own fees, and, for want of such goods and chattels, to take his body and commit him to jail in said county ; and the keeper of said jail is required to receive and detain him in jail until he pay said fine and all lawful fees or is otherwise discharged by due course of law ; and you are also required to make return hereof, with your doings, to the commanding officer of said , within forty days.

Dated at , this day of , 18 .
Commanding

N. H. N. G.

When issued.

SECT. 8. No warrant shall be issued within fifteen days after such fine is incurred, nor after sixty days.

Clerk's powers,
fees and respon-
sibility.

SECT. 9. The clerk shall have the same power, be subject to the same liabilities, proceed in the same manner, and be entitled to the same fees upon such warrant as a sheriff in levying executions ; but such clerk shall be answerable only for his own conduct, and this warrant shall be a sufficient justification, notwithstanding any irregularity in the proceedings of others.

Persons arrested
may be dis-
charged, when.

SECT. 10. Any person arrested upon such warrant or upon execution for any fine except for offenses named in sections three and four of this chapter [part] may give bond and take the oath prescribed by law for poor debtors, and be discharged in the same manner as if arrested upon execution for debt.

Plaintiff's costs
limited in action
for damages.

SECT. 11. The plaintiff, in any action against such commander or clerk for anything done under such warrant, shall recover no more cost than damages, unless it is shown to the court that the proceedings were willful and malicious, or the cost was caused by continuances granted at the defendant's request or by an appeal claimed by him.

Fines to be paid
to state treas-
urer.

SECT. 12. All fines collected under the provisions of this chapter [part] shall be paid to the adjutant-general, and by him paid to the treasurer of the state, and credited to the account of the New Hampshire National Guard.

Fines of wards
and minors.

SECT. 13. Parents, masters, and guardians shall be liable for fines and penalties incurred by persons under their care, and may be proceeded against in the manner provided by this chapter [part], or such minors may be proceeded against as if they were of full age.

SECT. 14. Upon complaint filed by the clerk for any fine, a sum-^{Issue and service of summons upon complaint.}mons shall be issued and served as other writs of summons, and such complaint and summons may, at any time, be amended by leave of the court, with costs. If the party summoned shall neglect to appear, judgment shall be rendered against him by default.

SECT. 15. The judgment against the respondent, in the com-^{Judgment, appeal, and execution.}plaint, shall be for the fine and costs; from which judgment of the justice he may appeal as in civil cases, upon recognizing, with sufficient sureties, to enter and prosecute his appeal, and to pay such fine and costs as may be adjudged against him; otherwise execution shall issue against him.

SECT. 16. When the amount of fines claimed exceeds thirteen^{Fines exceeding \$13.33 to be recovered by complaint in supreme court; indictments.}dollars and thirty-three cents, the clerk may file his complaint in the supreme court for the county in which either the complainant or respondent resides, and service shall be made and other proceedings had thereon, as in other civil proceedings. Where no other mode is prescribed, fines for military offenses and delinquencies shall be collected on indictment.

SECT. 17. If any officer, non-commissioned officer, musician, or private shall be guilty of disorderly conduct or conduct unbecoming an officer and soldier, or shall be intoxicated when on duty, or in camp, or at any training, parade, review, or inspection, when duly and regularly warned, or at any time when any company, platoon, battery, troop, battalion, or regiment, by vote or otherwise, volunteers to parade, or at any other time when any officer, non-commissioned officer, musician, or private is wearing a state uniform, such person, upon being convicted by a court-martial or court of inquiry, which may be convened as is provided in chapter [part] eleven of this act, shall be dishonorably discharged from the military service of the state. When any officer, non-commissioned officer, musician, or private, is dishonorably discharged, upon the order or recommendation of such court, for any offense named in this chapter [part], an order shall be issued by the commanding officer of the regiment, battalion, troop, battery, platoon, or company to which such person belonged, setting forth the cause of complaint, the order or sentence of the court, and that such person is dishonorably discharged from the military service of the state. The order shall be promulgated to every troop, platoon, and battery, and to every company in the regiment or battalion to which such person belonged, at the first regularly called meeting after the commanding officer thereof receives the same; and the orderly shall make a correct copy of such order in the orderly-book.^{Dishonorable discharge.}

PART 10.

COURTS-MARTIAL AND COURTS OF INQUIRY.

SECTION

1. Arrest and trial of officers.
2. Report of arrest, etc.
3. Order for, and composition of, courts-martial.
4. Defendant officer to be served with order and charges.

SECTION

5. Oath of court and judge-advocate.
6. Challenges to the court.
7. Order of voting by court; two-thirds necessary to convict.
8. Sentences by court.

SECTION

9. Disturbing court, how punished.
10. Charges must be preferred within the year.
11. Non-appearance or standing mute equivalent to pleading not guilty.
12. Oath to witnesses.
13. Witnesses how summoned; punishment for non-attendance; fees.
14. Judge-advocate to attend all courts; special judge-advocate.
15. To keep and transmit minutes of proceedings and evidence.
16. Statement of parties, etc., to be in writing.
17. Original records of courts-martial to be deposited.

SECTION

18. Fees of president, members, etc.
19. Fee-roll.
20. Courts of inquiry.
21. Oath of.
22. Of judge-advocate.
23. Parties interested may introduce witnesses.
24. Court of inquiry not to give opinion upon the merits.
25. Regimental court-martial.
26. Officer wronged may have redress.
27. Capital punishment not to be inflicted by court-martial in time of peace.

Arrest and trial
of officers.

SECT. 1. Any officer who neglects to perform the duties of his office, or to obey the rightful orders of his superiors, or who is guilty of unofficer-like or ungentleman-like conduct, may be put under arrest by his superior officer, and tried by a court-martial; and any officer so under arrest who exercises any command shall, on conviction by a court-martial, be cashiered.

Report of arrest,
etc.

SECT. 2. Every arrest and all charges and specifications relating thereto shall be reported without delay, by the officer ordering the same, to the adjutant-general, to be laid before the commander-in-chief, who, on examination of the report, may discharge the officer from arrest, if, in his opinion, the case does not call for a court-martial, or may order a court-martial for his trial.

Order for, and
composition of,
courts-martial.

SECT. 3. Courts-martial may be ordered, as occasion may require, by the commander-in-chief, who, in such order, shall designate the time and place of holding such court, and the names of the officers composing it, to consist of not less than three nor more than six in number. The senior officer named shall preside, and shall be of superior rank to the officer on trial.

Defendant officer
to be served
with order and
charges.

SECT. 4. The officer to be tried shall be served, at least fourteen days before the session of said court, with a copy of the order for the same for his appearance thereat, and a copy of the charges and specifications on which he is to be tried, attested by the adjutant-general, and served and returned to the judge-advocate by any person or officer designated by the adjutant-general. The charges shall specify the act or neglect constituting the alleged offense, and shall be signed by the person making them, and addressed to the commander-in-chief.

Oath of court
and judge-advocate.

SECT. 5. Before proceeding to any trial, the judge-advocate shall administer to the president and each of the members, separately, the following oath: "You swear that, without partiality, favor, affection, prejudice, or hope of reward, you will well and truly try the cause now before you, between the state and the person to be tried, and that you will not divulge the sentence of the court until it is approved or disapproved, and that you will not, on any account, at any time whatever, discover the vote or opinion of any member, unless required to give evidence thereof as a witness by a court of justice in a due course of law. *So help you God.*" And the president shall administer to the judge-advocate the following oath: "You swear that you will faithfully and impartially discharge your duties as judge-advocate on this occasion, as well to the state as to the accused, and that you will not, on any account, at any

time whatever, divulge the vote or opinion of any member of this court-martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law. *So help you God.*"

SECT. 6. After the president, members, and judge-advocate are sworn, any member may be challenged, either on the part of the government or the accused, the cause of challenging being stated in writing; and the validity thereof shall be determined by the court, the members objected to not voting. One member only can be challenged at once.

Challenges to the court.

SECT. 7. On all questions, the opinion of the youngest member in commission shall be taken first, and so on, regularly, to the oldest; and, unless two-thirds of the members agree that the accused is guilty, he is acquitted.

Order of voting by court; two-thirds necessary to convict.

SECT. 8. Courts-martial may sentence an officer convicted by them to be cashiered, or reprimanded in orders, or may impose a fine not less than ten nor more than one hundred dollars, which may be recovered by the adjutant-general, in an action of debt, in the name of the state. If any officer is sentenced to be cashiered, the court shall adjudge him incapable of holding any military office for life or a term of years, according to the aggravation of the offense.

Sentences by court.

SECT. 9. Courts-martial and courts of inquiry are authorized to preserve order during their sessions; and, if any person in their presence behaves in a disorderly manner, or makes any tumult in or disturbs the court, and does not, upon command of the marshal, desist therefrom, the court may confine him for a time not exceeding eight hours.

Disturbing court, how punished.

SECT. 10. No officer shall be tried before a court-martial for any offense committed more than one year before the complaint in writing is made therefor, unless, by reason of absence or other manifest impediment, he shall not have been amenable to justice within that period.

Charges must be preferred within the year.

SECT. 11. If any officer for the trial of whom a court-martial is appointed does not appear, or withdraws in contempt of court, or, being arraigned, from obstinacy or deliberate design stands mute or answers foreign from the purpose, the court shall proceed to trial as if he had pleaded not guilty.

Non-appearance or standing mute, equivalent to pleading not guilty.

SECT. 12. The judge-advocate shall administer the following oath or affirmation to witnesses required to give evidence before a court-martial or court of inquiry: "You swear [or affirm], that the evidence you shall give, in relation to the charge now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God;*" [or, "*This you do under the pains and penalties of perjury.*"]

Oath to witnesses.

SECT. 13. The judge-advocate shall cause the witnesses for the prosecution to be summoned by any person by him directed, by *subpœna* signed by him. The accused shall be entitled to like process for witnesses in his defense, and depositions may be used as in civil courts. Any witness duly summoned who shall refuse to appear and testify may be, by warrant, signed by the president of the court, and directed to the sheriff of the county, his deputy, or either constable of the town in which such witness resides, committed to the jail in such county, there to be held at his own expense, until he shall be discharged by due course of law. The fees

Witnesses, how summoned; punishment for non-attendance; fees.

of all witnesses summoned on the part of the state, and of the judge-advocate for summoning them, shall be the same as are allowed in civil causes, to be taxed by the president of the court, and paid by the state to the judge-advocate, who shall pay the fees of witnesses, when received by him, to the persons to whom they are due; and, if the sentence of the court be against the accused, and be duly approved, said fees shall, by warrant under the hand of the president of the court, directed in manner aforesaid, be collected of the delinquent and paid to the state.

Judge-advocate to attend all courts; special judge-advocate.

SECT. 14. The judge-advocate shall attend all courts-martial ordered in his brigade; and, if he is unable to attend or any legal impediment exists to his acting, the commander-in-chief may appoint a special judge-advocate for such court.

To keep and transmit minutes of proceedings and evidence.

SECT. 15. The judge-advocate shall keep accurate minutes of the proceedings of the court and of the evidence, shall impartially state the evidence for and against the accused, and shall transmit his minutes, signed by the president and himself, with the papers used at the trial or certified copies, to the commander-in-chief, under seal.

Statement of parties, etc., to be in writing.

SECT. 16. The statement of the complainant and the defense of the accused, motions to the court, objections to evidence, and opinions of the judge-advocate, on questions of law, shall be in writing, and entered on the minutes or annexed thereto.

Original records of courts-martial to be deposited.

SECT. 17. The original records of all courts-martial shall be deposited and kept in the adjutant-general's office, and the accused shall be entitled to a copy thereof, upon paying therefor the fees allowed to the secretary of state for copies.

Fees of president, members, etc.

SECT. 18. The fees in courts-martial and courts of inquiry shall be as follows: To the president, members, marshal, and judge-advocate, each three dollars per day, and six cents per mile for travel to and from court; to the judge-advocate, for drawing the necessary papers, and for copies and recording, twelve and a half cents for each page of two hundred and twenty-four words; to the marshal, for notifying members and the accused of the time and place of trial, six cents per mile for actual and necessary travel out and in, and twenty-five cents for each notification, and for summoning witnesses, twenty-five cents each; to the marshal or sheriff, for committing any person, the same fees as are allowed for like service on civil process; and to witnesses, the same fees as are allowed witnesses in the supreme court.

Fee-roll.

SECT. 19. A roll shall be made by the judge-advocate of all fees, charges, and expenses, specifying the services and to whom due; and the president and judge-advocate shall certify that the fees and charges are legal, the contingent expenses necessary, and the charges reasonable; and, the same being transmitted with the record to the governor, he shall draw his warrant therefor in favor of the president of the court.

Courts of inquiry.

SECT. 20. Courts of inquiry, to consist of three officers and a judge-advocate, to be designated by the commander-in-chief, may be ordered by him to examine into any military transaction or any accusation or imputation against any officer, or for the purpose of settling a military question, or for establishing good order and discipline.

SECT. 21. The judge-advocate shall administer to the officers Oath of. composing the court the following oath or affirmation: "You swear [or affirm] that you will well and truly examine and inquire into the matter now before you, without partiality, favor, or prejudice, affection, or hope of reward. *So help you God ;*" [or, "*This you do under the pains and penalties of perjury.*"]

SECT. 22. The president shall then administer to the judge-advocate the following oath: "You swear [or affirm] that you will impartially record the proceedings of the court and the evidence to be given in the case in hearing. *So help you God ;*" [or, "*This you do under the pains and penalties of perjury.*"] Of judge-advocate.

SECT. 23. Parties personally interested shall be notified, permitted to cross-examine witnesses, and introduce evidence so Parties interested may introduce witnesses. as to fairly to investigate the circumstances in question.

SECT. 24. Such court shall not give their opinion upon the merits of the case unless specially required, but their proceedings shall be signed by the president and judge-advocate, and transmitted to the commander-in-chief. Court of inquiry not to give opinion upon the merits.

SECT. 25. Any inferior officer or soldier deeming himself wronged by the commanding officer of his troop, platoon, battery, or company, may complain to the regimental or battalion commander, who shall convene a regimental court-martial to try the cause; and, from the decision of such court, either party may appeal to a general court-martial, and, if the appeal is vexatious, the party appealing may be punished at the discretion of the court. Regimental court-martial.

SECT. 26. Any officer who is wronged by the commander of his regiment or battalion, and who, on application, is refused redress, may complain to the commander-in-chief or commander of the forces in service, and he shall, by court of inquiry, court-martial, or otherwise, in his discretion, examine the case, and cause justice to be done. Officer wronged may have redress.

SECT. 27. No person shall suffer death, by sentence of court-martial, for any offense committed in time of peace. Capital punishment not to be inflicted by court-martial in time of peace.

PART 11.

GENERAL AND MISCELLANEOUS.

SECTION

- 1. Regulations for government of militia; annual expense limited.
- 2. Commission for examination of officers.

SECTION

- 3. Company by-laws.
- 4. Repealing clause; this act takes effect, when.

SECT. 1. The commander-in-chief is hereby authorized to establish and prescribe such rules, regulations, forms, and precedents as he may deem proper for the use, government, and instruction of the New Hampshire National Guard, and to carry into full effect the provisions of this act. The governor is hereby authorized to draw his warrant, from time to time, for a sum not to exceed twenty-five thousand dollars annually for the expense thereof. Regulations for government of militia; annual expense limited.

SECT. 2. The commander-in-chief is hereby authorized, as often as he may deem that the good of the service requires, to appoint a Commission for examination of officers.

military board or commission, to consist of three competent persons; and it shall be the duty of the said board to examine in military tactics, physical ability, moral character, capacity, attainments, general fitness for the service, and efficiency, such commissioned officers as the commander-in-chief may order to be thus examined. And the commanders of brigades, regiments, or battalions may report to the commander-in-chief, through the adjutant-general, any of their subordinate officers for such examination. If the decision of said board be unfavorable to such officers and be approved by the commander-in-chief, he shall thereupon suspend such officers from command for the term of six months; and, upon the expiration of said six months, all such officers so suspended may present themselves for re-examination. The members of said board shall, before entering upon the duties of their position, be sworn to an honest and impartial performance of those duties; *provided, always*, that no officer whose rank or promotion would in any way be affected by the decision of said board in any case that may come before it shall participate in the examination or decision of the board in such case, and that at least two of its members shall be of equal rank with the officer to be examined; and no officer shall be examined on irrelevant subjects or in reference to military matters relating to a grade higher than that for which he is commissioned. The officers constituting such board shall receive the same pay and allowance for traveling expenses as members of courts-martial.

Company by-laws.

SECT. 3. Any troop, platoon, battery, or company may make and adopt such by-laws as they see fit, subject to the approval of the judge-advocate of the brigade.

Repealing clause; this act takes effect, when.

SECT. 4. All acts and parts of acts the subjects of which are revised and re-enacted in this act shall be repealed on and after the first day of April, A. D. 1879; and this act shall take effect on and after that date, with the exceptions and limitations herein after expressed. All persons who are enlisted in the New Hampshire Volunteer Militia at the time when the said repeal shall take effect shall be held for the remainder of the term for which they are enlisted; and all persons who, at the time when the said repeal shall take effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same, according to the tenure thereof, except those offices which have been abolished and those as to which a different provision shall have been made by this act.

[Approved August 9, 1878.]

PRIVATE ACTS.

CHAPTER 118.

AN ACT TO INCORPORATE THE CONCORD HORSE-RAILROAD.

SECTION

1. Corporation constituted.
2. Laying out; how and by whom made.
3. Tolls; rights and privileges.
4. Motive-power and rate of speed.
5. Corporation liable for what damages.
6. Penalty for obstructing it in the use of its road.
7. Capital stock.

SECTION

8. Officers; their duty and compensation.
9. Real estate.
10. Grade, by whom determined.
11. Power of city over streets not restricted.
12. By-laws; annual meetings.
13. First meeting.
14. Subject to repeal; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That Moses Humphrey, Joseph B. Walker, John H. George, John Kimball, Daniel Holden, Samuel C. Eastman, Oscar V. Pitman, and T. P. Ford, their associates, successors, and assigns are hereby made a body corporate and politic by the name of the Concord Horse-railroad, with power to construct, maintain, and use a railroad, with convenient single or double track, from any point on Main street, in Concord, over, along, and upon such of the streets in said Concord as may be necessary for the public accommodation, to West Concord, with branches and side tracks to other parts of the city, with the right to extend to Fisherville.

SECT. 2. Said railroad shall be laid out by the mayor and aldermen of said Concord, in the like manner as highways are laid out, and said mayor and aldermen shall give notice to all the land-owners abutting on the streets or highways through which such proposed railroad shall pass, of the time and place of hearing in reference to such laying out, by publication in such of the newspapers printed in said Concord as they shall direct, fifteen days at least before said hearing, and they shall determine the distance at which the tracks shall be laid from the sidewalks.

SECT. 3. Said corporation shall have the power to fix, from time to time, such rates of compensation for transporting persons and property on said railroad as they deem reasonable, and shall be subject to the duties and liabilities, and possess all the rights and privileges, by law incident to railroad corporations, so far as the same shall be applicable.

Motive-power
and rate of
speed.

SECT. 4. Said railroad may be operated by such horse or other motive power as may be authorized by the mayor and aldermen, who shall have the power to make all such regulations as to the rate of speed and the mode of use of said railroad as the public safety and convenience may require.

Corporation li-
able for what
damages.

SECT. 5. Said corporation shall keep in repair such portion of the streets or highways as are occupied by their tracks, and shall be liable to pay for any loss or damage arising by reason of the negligence, carelessness or misconduct of their agents or servants; and in case any recovery is had against said Concord for defect or want of repair in or use of said railroad, said corporation shall be liable to pay the same, together with all reasonable costs and expenses.

Penalty for ob-
structing it in
the use of its
road.

SECT. 6. Any person willfully or maliciously obstructing said corporation in the use of said railroad, or the passage of any carriages thereon, or who shall aid, abet, or counsel the same, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months; and if said corporation, or its agents or servants, shall willfully or maliciously obstruct any highway, they shall be punished by fine not exceeding five hundred dollars.

Capital stock.

SECT. 7. The capital stock of said corporation shall consist of twelve thousand dollars divided into shares of one hundred dollars each, and the same may be increased by a vote of the stockholders to a sum not exceeding fifty thousand dollars.

Officers; their
duty and com-
pensation.

SECT. 8. The management of the affairs of the corporation shall be vested in a board of directors, not exceeding seven, to be chosen by the stockholders at the annual meetings, and who shall hold office till others are chosen in their places. Said board of directors shall elect a president, clerk, and treasurer, who shall give such bond as they may determine, and such other officers and agents as may be found necessary, and fix their duties and compensation.

Real estate.

SECT. 9. Said corporation shall have power to hold such real estate as may be necessary.

Grade, by whom
determined.

SECT. 10. Said railroad shall be constructed at such grade as may be determined by said mayor and aldermen, and if it shall be necessary to alter the grade of any street or highway, it shall be done at the expense of the railroad.

Power of city
over streets not
restricted.

SECT. 11. Said city shall have power to take up the streets through which the railroad may pass, for the same purposes and in the same manner they may now do, doing no unnecessary damage to the railroad.

By-laws; an-
nual meetings.

SECT. 12. Said corporation may make such by-laws as may be needed, not inconsistent with the laws of the state, and may fix the time and place of holding the annual meeting.

First meeting.

SECT. 13. Any three of the first five persons named as grantees may call the first meeting by publication, or by giving personal notice to the other grantees, at least ten days prior to the time of meeting, at which first meeting or any adjournment thereof, by-laws may be adopted, and directors chosen who shall hold office till the first annual meeting after said first meeting.

Subject to re-
peal; takes
effect, when.

SECT. 14. The legislature may alter, amend, or repeal this act whenever in their opinion the public good may require, and this act shall take effect on its passage.

[Approved June 26, 1878.]

CHAPTER 119.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO INCORPORATE THE PORTSMOUTH TEMPERANCE MUTUAL RELIEF ASSOCIATION," APPROVED JUNE 22, 1877.

SECTION 1. Membership unlimited.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the act to incorporate the Portsmouth Temperance Mutual Relief Association, approved June 22, 1877, be and the same hereby is amended as follows; that is to say, strike out of the first section of said act the words "twenty others" and in place thereof insert the words "such others as may be admitted members thereof."

[Approved June 26, 1878.]

CHAPTER 120.

AN ACT IN ADDITION TO AN ACT APPROVED JUNE 27, 1827, ENTITLED, "AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE COCHECO MANUFACTURING COMPANY."

SECTION

1. Corporation authorized to construct a private railway.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the Cocheco Manufacturing Company be authorized and empowered to locate, build, and maintain a railroad for its private use for freighting coal, and for such other use as it may have occasion in connection with its mills and printery, from some point on the southerly side of the Cocheco River, opposite or nearly opposite said company's new mill, across the Cocheco River near said new mill, thence across said river to said company's printery.

SECT. 2. This act shall take effect from and after the day of its passage.

[Approved June 28, 1878.]

CHAPTER 121.

AN ACT TO EXTEND THE CHARTER OF THE MERRIMACK RIVER SAVINGS BANK.

SECTION

1. Charter extended.
2. Subject to repeal.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Charter extended.

SECT. 1. That the act incorporating the Manchester Five Cents Savings Institution at Manchester, approved June 26, 1858, as amended by an act changing the name of said Manchester Five Cents Savings Institution to the Merrimack River Savings Bank, approved June 30, 1865, shall continue and remain in force for and during the further term of twenty years from and after the time in said first above-named act limited for the continuance of the same, and during all said further time said Merrimack River Savings Bank shall continue to have and enjoy all the rights, privileges, and immunities granted to it by said acts, and not inconsistent with this act and the laws of this state, and shall be subject to all the laws of this state in relation to savings-banks.

Subject to repeal.

SECT. 2. The legislature may alter, amend, or repeal this act whenever in their opinion the public good shall require it.

Takes effect, when.

SECT. 3. This act shall take effect and be in force from and after its passage.

[Approved July 2, 1878.]

CHAPTER 122.

AN ACT TO INCORPORATE THE GRANITE STATE DEAF MUTE MISSION.

SECTION

1. Corporation constituted; its powers and purpose.
2. First meeting.

SECTION

3. Subject to repeal.
4. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation constituted; its powers and purpose.

SECT. 1. That Thomas Brown, Archibald Allison, Wentworth Grant, Amos Smith, Wilbur D. Pattee, Frank P. Blodgett, Charles Hilton, Varnum B. Wright, Thomas N. Head, Franklin P. Bartlett, their associates and successors, be and they hereby are constituted a body politic by the name of "The Granite State Deaf Mute Mission," for such religious, moral, charitable, and benevolent purposes as said corporation may from time to time designate, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be vested with all the powers and privileges and subject to all the liabilities of corporations of a similar

nature, and may take and hold real and personal estate by deed, donation, bequest, or otherwise, for the purposes of said corporation, and may sell, convey, or otherwise dispose of the same at pleasure.

SECT. 2. That the said Thomas Brown, Archibald Allison, ^{First meeting.} Wentworth Grant, Amos Smith, Wilbur D. Pattee, Frank P. Blodgett, Charles Hilton, Varnum B. Wright, Thomas N. Head, Franklin P. Bartlett, or any three of them, may call the first meeting of said corporation by giving such notice and in such manner as may by them be deemed best, and that such meeting may adopt such by-laws as shall seem proper in accordance with this act of incorporation.

SECT. 3. The legislature may alter, amend, or repeal this act or ^{Subject to re-} any of its provisions, whenever in their opinion the public good ^{peal.} may require it.

SECT. 4. This act shall take effect from and after its passage. ^{Takes effect, when.}
[Approved July 2, 1878.]

CHAPTER 123.

AN ACT TO EXTEND THE CHARTER OF THE MILFORD FIVE CENTS SAVINGS INSTITUTION.

SECTION

1. Charter extended.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the act to incorporate the Milford Five Cents ^{Charter ex-} Savings Institution at Milford, approved June 27, 1859, is hereby ^{tended.} continued in force for the term of twenty years from and after the 27th day of June, 1879; and said institution shall have and possess all the powers, rights, and privileges in said act granted, and is subject to all the duties and liabilities thereby imposed, and also shall be subject to all such laws and regulations as the legislature may from time to time prescribe for the government of similar corporations.

SECT. 2. This act shall take effect from and after June 27, ^{Takes effect, when.} 1879.

[Approved July 2, 1878.]

CHAPTER 124.

AN ACT TO INCORPORATE THE HOLDERNESS SCHOOL FOR BOYS.

SECTION	SECTION
1. Corporation constituted.	5. Principal of the school, election and removal of.
2. Object ; limitation as to property ; by-laws.	6. Takes effect, when.
3. Managers ; quorum.	
4. First meeting ; by-laws.	

Be it enacted by the Senate and House of Representatives in General Court convened :—

Corporation constituted.

SECT. 1. That William W. Niles, William Heywood, George L. Balcom, Leonard Sears, George Olcott, Charles A. Holbrook, Edward A. Renouf, and Josiah Carpenter, their associates and successors, be and they are made a body politic and corporate, by the name of the Holderness School for Boys, and by that name may sue and be sued, and prosecute to final judgment and execution ; and shall have and enjoy all the powers and privileges, and be subject to all the liabilities incident to corporations of a similar character.

Object ; limitation as to property ; by-laws.

SECT. 2. Said corporation is hereby empowered to establish and maintain, in the town of Holderness, in the county of Grafton, a school for the education of youth, and for that purpose may acquire and hold, by gift, bequest, or otherwise, real and personal estate to an amount not exceeding one hundred and fifty thousand dollars ; may erect suitable buildings, employ proper teachers and assistants, and establish all necessary by-laws and regulations for their government, and exercise any other powers proper to carry into effect the objects of this act ; *provided*, that said by-laws and regulations shall not be repugnant to the constitution and laws of this state.

Managers ; quorum.

SECT. 3. Said corporators, their associates and successors, shall have the entire management and control of the affairs of said corporation, and shall by election fill all vacancies which may from time to time occur in their body, and have power to add to their number. At all meetings of the corporation duly called, three shall constitute a quorum for the transaction of all business, except it be the election or removal of the principal of said school, and the conveyance of real estate.

First meeting ; by-laws.

SECT. 4. Said corporators, or any two of them, may call, in such manner and at such time as they may deem proper, the first meeting of said corporation, which shall be held at said Holderness, at which, or at any subsequent meeting duly held, said corporation may make or amend by-laws and regulations as aforesaid.

Principal of the school, election and removal of.

SECT. 5. The principal of the school shall be elected, and may at any time be removed, by the corporation ; but it shall require a majority of the members of the corporation either to elect or to remove him, or to authorize the conveyance of real estate.

Takes effect, when.

SECT. 6. This act shall take effect upon its passage.
[Approved July 2, 1878.]

CHAPTER 125.

AN ACT TO LEGALIZE THE SCHOOL-HOUSE TAX ASSESSED FOR SCHOOL-DISTRICT NO. 12, IN THE TOWN OF SUTTON, FOR THE YEAR 1877.

SECTION

1. Tax legalized.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened: —

SECT. 1. That the school-house tax assessed for school-district Tax legalized. No. 12, in the town of Sutton, for the year 1877, be and the same are hereby made legal; and all doings of the officers of said district and said town of Sutton in relation to the assessment, inventory, and collection of said tax are hereby ratified, confirmed, and legalized.

SECT. 2. This act shall take effect upon its passage.
[Approved July 2, 1878.]

Takes effect,
when.

CHAPTER 126.

AN ACT TO INCORPORATE THE CONFERENCE OF BAPTIST MINISTERS IN NEW HAMPSHIRE.

SECTION

1. Corporation constituted; purpose and powers.
2. Limitation as to property.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened: —

SECT. 1. Ebenezer E. Cummings, William H. Eaton, George W. Nicholson, William Alden, Alden Sherwin, William V. Garner, King S. Hall, William Hurlin, Franklin Merriam, William B. Smith, Jeremiah D. Tilton, Edmund E. Spinney, Harry O. Walker, and Samuel C. Fletcher, their associates and successors, are hereby made a corporation by the name of "The Conference of Baptist Ministers in New Hampshire," for the purpose of relieving aged, disabled Baptist ministers who are indigent; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions of similar corporations under the laws of this state. Corporation constituted; purpose and powers.

SECT. 2. Said corporation may, for the purposes aforesaid, hold Limitation as to property. real and personal estate to an amount not exceeding seventy-five thousand dollars.

SECT. 3. This act shall be in force from and after its passage.
[Approved July 2, 1878.] Takes effect,
when.

CHAPTER 127.

AN ACT TO SEVER THE HOMESTEAD FARM OF JONATHAN B. FERRIN FROM WARD NO. 1, AND ANNEX THE SAME TO WARD NO. 3, IN THE CITY OF CONCORD.

SECTION

1. Farm severed and annexed.
2. Right to vote not affected.

SECTION

3. Taxes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Farm severed
and annexed.

SECT. 1. That the homestead farm of Jonathan B. Ferrin, with its inhabitants, be and the same is hereby severed from ward No. 1, and annexed to ward No. 3, in the city of Concord.

Right to vote
not affected.

SECT. 2. Any person qualified to vote at any meeting held within six months from the passage of this act, in any ward as now constituted, shall have the right to vote in the ward in which he shall become an inhabitant by the provisions of this act.

Takes effect,
when.

SECT. 3. This act shall take effect upon its passage.

[Approved July 2, 1878.]

CHAPTER 128.

AN ACT TO INCORPORATE THE PROFILE AND FRANCONIA NOTCH RAILROAD.

SECTION

1. Corporation constituted.
2. May construct a railroad; lease; connections.
3. Capital stock and bonds.
4. Tolls; powers vested in directors.

SECTION

5. First meeting.
6. Void, when; takes effect, when.
7. Right to intersect with reserved to other roads.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation
constituted.

SECT. 1. That Richard Taft, Nathaniel White, Joseph A. Dodge, Charles H. Greenleaf, Josiah T. Vose, John H. George, Walter Aiken, Emmons Raymond, John G. Sinclair, John G. Eaton, and Warren F. Daniell, their associates, successors, and assigns, are hereby made a corporation by the name of the Profile and Franconia Notch Railroad, with all the rights, powers, and privileges, and subject to all the liabilities, duties, and restrictions set forth in the general laws which are now or hereafter may be in force relating to railroad companies.

May construct a
railroad; lease;
connections.

SECT. 2. Said corporation is authorized and empowered to locate, construct, and maintain a railroad not exceeding six rods in width, with necessary additions for excavations and embankments, from some convenient point on the Mount Washington Branch of the Boston, Concord, and Montreal Railroad in Bethlehem to some convenient point near the Profile House in Franconia, with the right to connect with the Pemigewasset Valley Railroad, and with authority to maintain a narrow-gauge railroad, and to lease its

railroad to the Boston, Concord, and Montreal Railroad on such terms and for such time as may be agreed upon by said corporations.

SECT. 3. The capital stock of said corporation shall consist of Capital stock and bonds. not more than two thousand shares of one hundred dollars each, and said corporation may issue its bonds, secured by mortgage of its road, to an amount not exceeding one-half of that amount of its capital stock which shall be actually expended at the time of the issue of such bonds.

SECT. 4. A toll is hereby granted to said corporation upon all Tolls : powers vested in directors. persons and property which may be transported by said railroad at such rates as may be from time determined by its directors, and all the powers granted to the said corporation relating to the locating, constructing, and maintaining said railroad are hereby vested in the directors of said corporation for the time being.

SECT. 5. The three persons first named in this act may call the First meeting. first meeting of the grantees of said corporation by publishing notice of the time and place of meeting, in some newspaper published in the county of Grafton, one week at least before the day of said meeting.

SECT. 6. This act shall be void as to all parts of said railroad Void, when ; takes effect, when. which shall not be constructed within ten years from the passage hereof ; and this act shall take effect on its passage.

SECT. 7. The right to intersect and connect with said Profile Right to intersect with, reserved to other roads. and Franconia Notch Railroad is hereby reserved to any corporation which has been or which hereafter may be chartered to construct a railroad between some point on the Boston, Concord, and Montreal Railroad at or near Littleton and any point on said Profile and Franconia Notch Railroad.

[Approved July 11, 1878.]

CHAPTER 129.

AN ACT IN AMENDMENT TO THE ACT ENTITLED "AN ACT TO INCORPORATE THE EASTERN RAILROAD IN NEW HAMPSHIRE," APPROVED JUNE 18, 1836.

SECTION	SECTION
1. Government of corporation vested in directors.	4. Contracts existing or new, not valid unless approved and filed.
2. Treasurer to give bond.	5. Act repealed.
3. Special meetings ; quorum.	6. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. The immediate government and direction of the affairs Government of corporation vested in directors. of the Eastern Railroad in New Hampshire, shall be vested in not less than five, nor more than seven directors, as the stockholders may from year to year determine.

SECT. 2. The treasurer of said corporation shall be required to Treasurer to give bond. give bonds in such sum, and with such sureties, as may be satisfactory to the directors of said corporation.

Special meet-
ings; quorum.

SECT. 3. The said directors shall call special meetings of said corporation, whenever a written request shall be presented to them for that purpose, signed by at least fifteen of the proprietors; or whenever they shall be requested in writing so to do, by the holders of at least fifteen per cent of the capital stock; and at all meetings of said corporation twenty per cent of the stock of the company, present in conformity with the laws of the state of New Hampshire, either in person, or by proxy, shall constitute a quorum for the transaction of business.

Contracts exist-
ing or new, not
valid unless ap-
proved and filed.

SECT. 4. Section two of the act in amendment of the charter of the Eastern Railroad in New Hampshire, approved July 2, 1839, shall be taken and deemed to authorize the renewal, modification, or extension of existing contracts, if any, for the use and operation of the Eastern Railroad in New Hampshire, and also to authorize the making of any new contract or contracts for the use and operation of said railroad upon such terms and for such time as may be deemed expedient; *provided*, that nothing in this act contained shall be taken or deemed to approve or disapprove, or in any way affect the existence of any contract for the use and operation of said railroad now claimed to exist and be in force; and *provided*, also, that no such renewal, modification, or extension, or new contract, shall be valid until approved by a majority of the board of directors and of the stockholders present at any legal meeting called for that purpose and by the governor and council and railroad commissioners, as provided by existing laws, and a copy of such contract shall be placed on file in the office of the secretary of state.

Act repealed.

SECT. 5. So much of the act incorporating the Eastern Railroad in New Hampshire, as is inconsistent with the foregoing sections, is hereby repealed.

Takes effect,
when.

SECT. 6. This act shall take effect upon its passage.
[Approved July 11, 1878.]

CHAPTER 130.

AN ACT TO INCORPORATE THE WHITEFIELD AND JEFFERSON RAILROAD.

SECTION

1. Corporation constituted.
2. May construct and lease railroad.
3. Capital stock and bonds.

SECTION

4. Tolls; directors.
5. First meeting.
6. Act void and takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation
constituted.

SECT. 1. That Aaron Ordway, Alson L. Brown, Warren G. Brown, Nathan R. Perkins, Josiah T. Vose, Samuel N. Bell, Joseph A. Dodge, and Warren F. Daniell, their associates, successors, and assigns, are hereby made a corporation by the name of the Whitefield and Jefferson Railroad, with all the rights, powers, and privileges, and subject to all the liabilities, duties, and restrictions set forth in the general laws, which are now, or hereafter may be, in force, relating to railroad corporations.

SECT. 2. Said corporation is authorized and empowered to locate, construct, and maintain a railroad, not exceeding six rods in width, with necessary addition for excavations and embankments, from some convenient point on the Boston, Concord, and Montreal Railroad, in Dalton or Whitefield, to some convenient point in the town of Randolph, and with authority to extend a branch into Kilkenny and Berlin, and with authority to lease its railroad to any other road, on such terms and for such time as may be agreed upon by said corporation. May construct and lease railroad.

SECT. 3. The capital stock of said corporation shall consist of not more than one thousand shares of one hundred dollars each, and said corporation may issue its bonds, secured by mortgage of its road, to an amount not exceeding one-half of that amount of its capital stock, which shall be actually expended at the time of the issue of such bonds. Capital stock and bonds.

SECT. 4. A toll is hereby granted to said corporation upon all persons and property which may be transported by said railroad at such rates as may be from time to time determined by its directors; and all the powers granted to said corporation relating to the locating, constructing, and maintaining said railroad, are hereby vested in the directors of said corporation for the time being. Tolls; directors.

SECT. 5. The three persons last named in this act may call the first meeting of the grantees of said corporation by publishing notice of the time and place of meeting in some newspaper published in the county of Coos, one week, at least, before the day of said meeting. First meeting.

SECT. 6. This act shall be void as to all parts of said railroad that shall not be constructed within ten years from the passage hereof, and this act shall take effect on its passage. Act void, and takes effect, when.

[Approved July 11, 1878.]

CHAPTER 131.

AN ACT RELATING TO SCHOOL-DISTRICT NO. 12, IN THE TOWN OF HAVERHILL.

SECTION

1. County farm severed from school-district.
2. School tax on county property to be paid to county commissioners.

SECTION

3. Takes effect, when.
- 4 Tax to be expended for education of pauper children.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. All that portion of school-district No. 12, in the town of Haverhill, embraced in the limits of the Grafton County farm, and owned by said county of Grafton, is hereby severed from said district; and said county farm shall, for school purposes, be under the exclusive control and direction of the commissioners of said county, but shall not constitute a school-district nor be entitled to any rights or privileges as such, save as herein after stated. County farm severed from school-district.

School tax on
county property
to be paid to
county commis-
sioners.

SECT. 2. The amount of the school tax, annually assessed upon the property of said county of Grafton in said Haverhill, shall be paid over to the commissioners of said county, by the proper officers of the town, in the same manner that the same is paid to the prudential committee of the several districts.

Takes effect,
when.

SECT. 3. This act shall be in force and take effect upon payment to the commissioners of the sum of two hundred dollars and sixteen cents, the amount of the school-house tax of the county of Grafton, in said district No. 12, for the year 1875.

Tax to be ex-
pended for edu-
cation of pauper
children.

SECT. 4. All taxes annually assessed upon the property of the county of Grafton for school purposes, and paid over to the commissioners as herein provided, shall be expended by said commissioners for the education of the poor children at the county farm.

[Approved July 15, 1878.]

CHAPTER 132.

AN ACT TO SEVER THE HOMESTEAD FARM AND TAXABLE PROPERTY OF ANDRUS PALMER AND ORREN A. PALMER FROM SCHOOL-DISTRICT NO. 6, IN NORTHWOOD, AND ANNEX THE SAME TO SCHOOL-DISTRICT NO. 11, IN DEERFIELD, FOR SCHOOL PURPOSES.

SECTION

1. Farm severed and annexed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Farm severed
and annexed.

SECT. 1. That the homestead farm and taxable property thereon, of Andrus Palmer and Orren A. Palmer, are hereby severed from school-district No. 6, in the town of Northwood, and annexed to school-district No. 11, in the town of Deerfield, for school purposes.

Takes effect,
when.

SECT. 2. This act shall take effect on its passage.

[Approved July 15, 1878.]

CHAPTER 133.

AN ACT TO SEVER THE HOMESTEAD FARMS OF CHARLES SMITH AND FRANK PEVERLY FROM SCHOOL-DISTRICT NO. 1, IN THE TOWN OF CANTERBURY, AND ANNEX THE SAME TO SCHOOL-DISTRICT NO. 20, IN THE CITY OF CONCORD, FOR SCHOOL PURPOSES.

SECTION

1. Farms severed and annexed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Farms severed
and annexed.

SECT. 1. The homestead farms of Charles Smith and Frank Peverly are hereby severed from school-district No. 1, in the town

of Canterbury, and annexed to school-district No. 20, in the city of Concord, for school purposes.

SECT. 2. This act shall take effect from and after its passage. Takes effect, when.
[Approved July 15, 1878.]

CHAPTER 134.

AN ACT TO CHANGE THE NAME OF THE NEW LONDON LITERARY AND SCIENTIFIC INSTITUTION.

SECTION
1. Name changed.

SECTION
2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. The name of the New London Literary and Scientific Institution, situated at New London, in the county of Merrimack, is hereby changed to "The Colby Academy." Name changed.

SECT. 2. This act shall take effect from its passage. Takes effect, when.
[Approved July 15, 1878.]

CHAPTER 135.

AN ACT IN AMENDMENT OF THE CHARTER OF THE HEDDING CAMP-MEETING ASSOCIATION.

SECTION
1. Corporation may appoint police officers.

SECTION
2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. That said corporation is hereby invested with authority to appoint so many special agents to act as conservators of the peace, as it may be deemed necessary, who shall have the same power and authority in relation to the disturbance of any meeting or breach of the peace committed upon or about the grounds of said corporation, as is given by existing laws to police officers and watchmen. Corporation may appoint police officers.

SECT. 2. This act shall take effect on its passage. Takes effect, when.
[Approved July 15, 1878.]

CHAPTER 136.

AN ACT TO AUTHORIZE THE CITY OF NASHUA TO TAKE THE SENSE OF ITS LEGAL VOTERS IN RELATION TO THE ABOLITION OF THE COMMON COUNCIL OF SAID CITY.

SECTION

1. Sense of voters to be taken on the question of abolishing city council.

SECTION

2. To be taken by ballot.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Sense of voters to be taken on the question of abolishing city council.

SECT. 1. There shall be inserted in the warrants of the several wards of said city, warning the state election to be held in November, 1878, the following article: "To take the sense of the legal voters of said wards upon the question, Shall the common council of the city be abolished?"

To be taken by ballot.

SECT. 2. At such meeting said question shall be voted upon by ballot, and the result shall be declared, returned, and certified, in the same manner as is now required in the case of the election of mayor of said city.

[Approved July 15, 1878.]

CHAPTER 137.

AN ACT IN RELATION TO SCHOOL-DISTRICT NO. 2, IN THE TOWN OF WEBSTER.

SECTION

1. Action of district confirmed.
2. District may build new school-house.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Action of district confirmed.

SECT. 1. The action of school-district No. 2, in the town of Webster, at its meetings duly holden in March, A. D. 1878, is hereby ratified and confirmed.

District may build new school-house.

SECT. 2. Said district may, at a meeting duly warned and holden for the purpose, appropriate any money in its treasury heretofore raised for the repair of the school-house in said district, and apply the same to the purchase of land and the building of a new school-house thereon, and may raise such additional sums of money as may be necessary to build and furnish the same.

Takes effect, when.

SECT. 3. This act shall take effect from its passage.

[Approved July 15, 1878.]

CHAPTER 138.

AN ACT TO SEVER THE HOMESTEAD FARM OF WILLIAM O. CHASE FROM SCHOOL-DISTRICT NO. 11, IN THE TOWN OF WENTWORTH, AND ANNEX THE SAME TO SCHOOL-DISTRICTS NOS. 2 AND 9 IN SAID TOWN, FOR SCHOOL PURPOSES.

SECTION

1. Farm severed and annexed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The homestead farm of William O. Chase is hereby severed from school-district No. 11, in the town of Wentworth, and annexed to school-districts Nos. 2 and 9 in said town, for school purposes. Farm severed and annexed.

SECT. 2. This act shall take effect on and after its passage.
[Approved July 18, 1878.]

Takes effect, when.

CHAPTER 139.

AN ACT TO ANNEX THOMAS J. LARY'S HOMESTEAD FARM AND ESTATE, IN SCHOOL-DISTRICT NO. 1, IN THE TOWN OF DUMMER, TO SCHOOL-DISTRICT NO. 1 IN THE TOWN OF MILAN, IN COOS COUNTY, FOR SCHOOLING PURPOSES.

SECTION

1. Farm severed and annexed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the homestead farm and estate of Thomas J. Lary, in school-district No. 1 in the town of Dummer, be and the same is hereby annexed to school-district No. 1 in the town of Milan, for schooling purposes. Farm severed and annexed.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. Takes effect, when.

[Approved July 18, 1878.]

CHAPTER 140.

AN ACT TO RESTORE TO DISTRICT NO. 8, IN BRISTOL, SO MUCH OF THE HOMESTEAD FARMS OF MOSES PETERS AND THOMAS WYCOM AS ARE NOW IN DISTRICT NO. 8 IN BRIDGEWATER, FOR SCHOOL PURPOSES.

SECTION

1. Part of farm severed and annexed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Part of farm
severed and an-
nexed.

SECT. 1. That so much of the homestead farms of Moses Peters and Thomas Wycom, now in Bridgewater, for school purposes, be disannexed from district No. 8 in Bridgewater and re-annexed to district No. 8 in Bristol.

Takes effect.
when.

SECT. 2. This act shall take effect upon its passage.

[Approved July 18, 1878.]

CHAPTER 141.

AN ACT TO INCORPORATE THE CRYSTAL SPRINGS WATER COMPANY.

SECTION

1. Corporation constituted.

2. Capital stock.

3. Meetings.

4. Limitation as to property, etc.

SECTION

5. May enter and take land and springs; damages.

6. First meeting, etc.

7. Subject to repeal; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation
constituted.

SECT. 1. That John A. Durgin, John G. Sinclair, Cyrus E. Bunker, Charles H. Clark, Daniel F. Davis, James H. Clark, John S. Blandin, and John Pierce, jr., and their associates, successors, and assigns, shall be, and hereby are, made a body politic and corporate by the name of the Crystal Springs Water Company, for the purpose of bringing water into the compact part of Bethlehem village, in the town of Bethlehem, in subterranean pipes, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers, and subject to all liabilities incident to corporations of a similar nature.

Capital stock.

SECT. 2. The capital stock of said corporation shall consist of such number of shares not exceeding one hundred dollars each, as may be from time to time determined by the directors of said corporation, not exceeding in the whole the sum of ten thousand dollars.

Meetings.

SECT. 3. The annual meeting of said corporation shall be holden at such time and place as may be prescribed by the by-laws or appointed by the directors, at which meeting not less than three nor more than seven directors shall be chosen by ballot. The directors

may call special meetings of the corporation whenever they shall deem it necessary, giving such notice as the by-laws may prescribe.

SECT. 4. Said corporation is empowered to purchase and hold, Limitation as to property, etc. in fee-simple or otherwise, any real and personal estate necessary for the carrying into effect the purposes of this act, not exceeding in value, at the time of its purchase, ten thousand dollars; and said corporation is authorized to enter upon and break up ground, dig ditches and make excavations in any street, place, square, pass-way, or highway, through which it may be deemed necessary for said pipes and water-works to pass, be, or exist, for the purpose of placing said pipes and other material as may be deemed necessary for building said water-works, and relay and repair the same, subject to such regulations as to the safety of the citizens and security of the public travel as may be prescribed by the selectmen of the town of Bethlehem.

SECT. 5. Said corporation is authorized to enter upon and ap- May enter and take land and springs; damages. propriate any springs, streams, or ponds, not belonging to any aqueduct company, or to the Harris Manufacturing Company, and to secure, by fences or otherwise, such springs, streams, or ponds, and dig ditches, make excavations or reservoirs through, over, in, or upon any land or enclosure through which it may be necessary for said pipes and water to pass, or said excavations, reservoirs, or water-works to be or exist for the purpose of obtaining, holding, preserving, or conducting said water and placing such pipes, other material, or works as may be necessary for building and operating such water-works or repairing the same; *provided*, it shall be necessary to enter upon and appropriate any springs, streams, or ponds, or any land for the purpose aforesaid, or to raise or lower the level of the same, and said corporation shall not agree with the owners thereof for the damages that may be done by said corporation, or such owners shall be unknown, either party may apply to the supreme court, at the trial term thereof, to have the same laid out and damages determined; and the said court shall refer the same to the county commissioners for the county, who shall appoint a time and place of hearing and give notice thereof in the same manner as now provided by law for laying out highways, and said commissioners shall make report to said court, and said court may issue execution accordingly. If either party shall desire, upon application to said court before reference to said commissioners, they shall be entitled to a trial by jury, in such manner and under such regulations as said court may prescribe.

SECT. 6. Any two of the corporators named in this act may call First meeting, etc. the first meeting of the corporation by giving a notice in writing to each of the corporators of the time and place of meeting, at least six days before the day of meeting, or by notice printed in some paper published at Littleton, in the county of Grafton, at least fourteen days before said meeting, and at said meeting or any adjournment thereof, or at any subsequent meeting duly called, associates may be admitted, and all proper officers chosen, the number and par value of shares fixed, and such by-laws and regulations adopted as may be deemed necessary to carry into effect the business of the corporation, not inconsistent with the constitution and laws of the state.

Subject to repeal; takes effect, when.

SECT. 7. The legislature may amend, alter, or repeal this act when it is made to appear that the public good requires it, and this act shall take effect upon its passage.

[Approved July 18, 1878.]

CHAPTER 142.

AN ACT TO INCORPORATE THE NEW ZEALAND RIVER RAILROAD.

SECTION

1. Corporation constituted.
2. May construct railway; its termini.
3. Capital stock; bonds.
4. Tolls; management.
5. Directors and officers.

SECTION

6. Annual meetings; by-laws.
7. First meeting.
8. Subject to repeal.
9. Void, and takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation constituted.

SECT. 1. J. Thomas Vose, Joseph P. Pittman, Joseph A. Dodge, Samuel N. Bell, Henry L. Tilton, and Charles D. Tarbell, their associates, successors, and assigns, are hereby made a body corporate by the name of the New Zealand River Railroad, with all the rights, powers, and privileges, and subject to all the liabilities, duties, and restrictions, set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

May construct railway; its termini.

SECT. 2. Said corporation is authorized and empowered to locate, construct, and maintain a railroad not exceeding six rods in width, with the necessary additions for excavations and embankments, from some convenient point on the line of the Boston, Concord, and Montreal Railroad, in Carroll, in the county of Coos, southerly up the valley of the New Zealand River, so called, to the head waters of said New Zealand River, with the right to connect said railroad with any other in this state within the termini aforesaid.

Capital stock; bonds.

SECT. 3. The capital stock of said corporation shall consist of not more than two hundred and fifty shares of the par value of one hundred dollars per share; and said corporation may issue its bonds, secured by mortgage of its road and franchise, to an amount not exceeding its capital stock.

Tolls; management.

SECT. 4. A toll is hereby granted to said corporation upon all persons and property which may be transported by it at such rates as may be fixed and determined by its directors from time to time; and all the powers granted to said corporation relating to the locating, constructing, and maintaining said road are hereby vested in the directors of said corporation for the time being.

Directors and officers.

SECT. 5. The immediate government and direction of the affairs of said corporation shall be vested in five directors, who shall be chosen by the stockholders or members annually, by ballot, and shall hold their offices until others shall be duly elected and qualified in their stead; and said directors, a majority of whom shall be a quorum for the transaction of business, shall elect one of their number to be president of the board and of the corporation: they

shall also choose a clerk, who shall also be clerk of the corporation, and sworn to the faithful discharge of his duties ; a treasurer, who shall give bond with sureties to their satisfaction for the faithful performance of his trust ; and such other officers, agents, and servants as they may deem expedient, fix their salaries, and generally shall have and exercise all the powers of the corporation for carrying into effect the objects and purposes of this act.

SECT. 6. The annual meeting of the members of said corporation shall be holden at such time and place in this state as said corporation by its by-laws, or the directors for the time being, may appoint, and said corporation shall have power to make, ordain, and establish all such by-laws, rules, and regulations as they shall deem expedient and necessary, not repugnant to the constitution and laws of this state. Annual meetings; by-laws.

SECT. 7. Any three of the persons named in this act may call the first meeting of the grantees of said corporation, by publishing notice of the time and place of said meeting, in some newspaper published in the county of Grafton, at least two weeks before the day of said meeting. First meeting.

SECT. 8. The legislature may alter, amend, or repeal this act whenever the public good shall require. Subject to repeal.

SECT. 9. This act shall be void as to all parts of the railroad line herein named not constructed and completed within five years from the passage hereof, and this act shall take effect from its passage. Void, and takes effect, when.

[Approved July 18, 1878.]

CHAPTER 143.

AN ACT TO SET OFF THE HOMESTEAD FARMS OF J. DOW CLEMENT AND JAMES M. TUTTLE, OF THE TOWN OF ANTRIM, FROM DISTRICT NO. 13, AND ANNEX THEM TO DISTRICT NO. 3, FOR SCHOOL PURPOSES.

SECTION

1. Farms severed and annexed.

SECTION

2. School tax, how applied.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. That the homestead farms of J. Dow Clement and James M. Tuttle be set off from school-district No. 13, in the town of Antrim, and be annexed to school-district No. 3, in said town. Farms severed and annexed.

SECT. 2. That all money assessed against J. Dow Clement and James M. Tuttle for school purposes in 1878 be applied to district No. 3. School tax, how applied.

[Approved July 18, 1878.]

CHAPTER 144.

AN ACT TO INCORPORATE WINNICUT LODGE NO. 92, OF ANCIENT, FREE, AND ACCEPTED MASONS, LOCATED AT GREENLAND.

SECTION

1. Corporation constituted; name; purpose; powers; limitation of property.

SECTION

2. First meeting.

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation constituted; name; purpose; powers; limitation of property.

SECT. 1. That Edgar S. Taft, W. O. Jenkins, N. P. Ordway, William H. L. Brackett, James Drew, their associates and successors, be and they hereby are made a body politic and corporate by the name of Winnicut Lodge No. 92, of Ancient, Free, and Accepted Masons, at Greenland, for such charitable and benevolent purposes as said corporation may from time to time designate; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and shall be vested with all the powers and privileges and subject to all the liabilities of corporations of a similar nature, and may take and hold real and personal estate, by donation or otherwise, for the purpose of said corporation, to an amount not exceeding twenty-five hundred dollars, and the same may sell, use, or dispose of at pleasure.

First meeting.

SECT. 2. The first two members named, or either of them, may call the first meeting of said corporation by giving notice to each of the others named in said act, and to said lodge in open meeting, at least five days prior to said meeting.

Takes effect, when.

SECT. 3. This act shall take effect from and after its passage. [Approved July 18, 1878.]

CHAPTER 145.

AN ACT TO INCORPORATE ST. MARY'S BENEVOLENT ASSOCIATION.

SECTION

1. Corporation constituted; name; purpose; location.

SECTION

2. First meeting.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation constituted; name; purpose; location.

SECT. 1. That Daniel Lynch, Daniel Hurley, Thomas J. Shehan, William Morrissey, William Canty, John Dixon, John Conlon, Dennis Lynch, all of Portsmouth, are hereby incorporated and made a body politic, by the name of the St. Mary's Benevolent Association of Portsmouth, as a charitable society, to afford relief to its members when afflicted by sickness, to bury the dead, and to render such charitable services to its members and others as opportunity and the means of the association may permit, and for these purposes said corporation may hold real or personal estate not ex-

ceeding ten thousand dollars, may sue and be sued, and have all other civil rights which ordinarily belong to such corporations; and the location and place of business of the corporation shall be at Portsmouth.

SECT. 2. That Daniel Lynch, Daniel Hurley, John Dixon, John Conlon, or the major part of them, may call the first meeting of the corporation at Portsmouth by publishing a notice of the time, place, and purposes of the meeting in some newspaper printed in Portsmouth at least seven days before the time of the meeting; and at that or any subsequent meeting said corporation may admit associates, establish by-laws, elect officers, and fix the time of their regular meetings, and the same thereafter alter and amend as may be found expedient.

[Approved July 18, 1878.]

CHAPTER 146.

AN ACT TO INCORPORATE THE TRUSTEES OF THE SOLDIERS' HOME IN NEW HAMPSHIRE.

SECTION

1. Corporation constituted.
2. Limitation of property; powers and duties.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. Charles J. Richards, Frederick Smyth, Ai B. Thompson, Thomas J. Whipple, William R. Patten, Natt Head, Daniel M. White, Ichabod Goodwin, Paul S. Adams, William H. D. Cochrane, Evarts W. Farr, and William H. Trickey, their associates and successors, chosen as hereinafter provided, are hereby made a corporation by the name of "The Trustees of the Soldiers' Home in New Hampshire," and said trustees shall from time to time, as they may by the by-laws prescribe, elect such officers as they may judge necessary, and prescribe the terms and duties of such officers, and they shall fill by elections all vacancies in said trustees as they may occur; but the whole number of said trustees shall never exceed twelve, eight of whom shall be members of the voluntary association known as the Department of New Hampshire, Grand Army of the Republic; and whenever any vacancy shall occur among said eight, the remaining trustees shall select from the persons composing for the time being the council of administration of said Department of New Hampshire, Grand Army of the Republic, a trustee to fill said vacancy.

SECT. 2. Said trustees may receive, hold, manage, and convey such real and personal estate, not exceeding in all twenty thousand dollars, as they may acquire by gift, grant, purchase, or otherwise, for the purpose of maintaining in this state a home for deserving soldiers and sailors, and such members of their families as said trustees may deem proper, and under such conditions and regulations as said trustees may from time to time prescribe. Said trustees shall be subject to the duties and liabilities and shall have

the powers and privileges set forth in all general laws which now are or hereafter may be in force applicable to such corporations, so far as they are not inconsistent with this act.

Takes effect,
when.

SECT. 3. This act shall take effect upon its passage.
[Approved July 18, 1878.]

CHAPTER 147.

AN ACT TO INCORPORATE PHILLIPS BROOK IMPROVEMENT COMPANY.

SECTION

- 1. Corporation constituted.
- 2. May erect dams and make improvements ; adjustment of damages.
- 3. Tolls.
- 4. Rates of toll to be published.

SECTION

- 5. First meeting.
- 6. Improvements already made approved.
- 7. Former act repealed.
- 8. This act subject to repeal.
- 9. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

Corporators.

Name.

Purpose.

Powers and
duties.

Limitation of
property.

Corporation
may erect dams
and make im-
provements.

Adjustment of
damages.

SECT. 1. That Sumner W. Thompson, George T. Roberts, Daniel Roberts, their associates, successors, and assigns be and they hereby are made a body politic and corporate by the name of the Phillips Brook Improvement Company, for the purpose of erecting dams and sluices, and making such other improvements as may be proper and necessary on Phillips Brook, so-called, in the towns of Stark, Dummer, Odell and Millsfield, and its tributaries in the towns of Odell and Millsfield, in Coos County, to improve said brook for the purpose of driving logs and lumber therein, and driving logs and lumber over and through said dams and sluices, and of establishing rates of toll on logs and lumber so driven and sluiced ; and shall be invested with all the rights and privileges and subjected to all the liabilities of corporations of similar nature, and may purchase and hold real estate and other property not exceeding in value the sum of fifty thousand dollars, said sum to be held in shares of one hundred dollars each.

SECT. 2. Said corporation may erect and maintain such and so many dams, sluices, and booms on said brook, and may clear, deepen, and improve the same to such extent as shall by it be deemed necessary for the proper driving of logs and lumber through said improvements, and should the owner or owners of any property situated within said towns feel that his or their property was damaged by said improvements, he or they may apply to the supreme court for said county, and said court shall, on application of the party aggrieved, cause said damage to be estimated by a committee of three disinterested freeholders of said county ; *provided*, however, that if either party be dissatisfied with the award of said committee, he may, at the term of court when the award is presented, apply to the said court for trial by jury, in the same manner as other like cases are determined, and the said court shall by jury determine the amount of said damages accordingly ; and in addition to the foregoing remedy, the supreme court, or any justice thereof,

shall have the power to grant an injunction against said corporation, its agents or servants, upon the application of any land-owner, if, in the opinion of the court or justice, said corporation is improperly injuring the land of such owners, or if justice shall require it.

SECT. 3. Said corporation may make and establish such rates of Tolls. toll for driving lumber or timber over or through said dams or sluices as may be deemed by them expedient, and shall have power to sue for and collect such toll in the same manner as corporations are by law allowed to collect debts due them; *provided*, that the rates of toll shall not exceed one dollar per thousand; but if any parties having logs and lumber to be driven through said brook as so improved shall be dissatisfied with the rates of toll so established by said company, the same shall be determined and fixed by the county commissioners of the county of Coos for the time being, upon due application, notice to the parties, and a hearing before them for that purpose; and that said company shall not be expected in any degree to drive or forward logs or timber at said rates, but such driving shall be done by the parties themselves at the rates established; and said corporation shall have a lien on all logs or timber which may pass over or through said dams or sluices, and may hold possession of the same until said tolls are paid or satisfactorily secured.

SECT. 4. The said corporation shall make and establish rates of Rates of toll to be published. toll, and shall publish the same, duly attested, in some newspaper printed in said county of Coos, and the rates so established and designated in the manner aforesaid shall be taken and considered legal notice to all parties concerned of the usage of said company.

SECT. 5. Sumner W. Thompson, George T. Roberts, and Daniel First meeting. Roberts, or any one of them, may call the first meeting of said corporation, by publishing notice thereof two weeks prior to said meeting in the *Mountaineer*, a newspaper printed in said county of Coos, and said corporation when so met may elect associates, establish rules and regulations, elect officers, and transact such business as may pertain to corporations of a similar nature.

SECT. 6. The action of said corporators, or either of them, in making improvements on said Phillips Brook, is hereby ratified and Improvements already made, approved. approved; *provided*, however, it shall have been done in conformity to the meaning of this charter.

SECT. 7. The act entitled, "An act to incorporate Phillips Former act repealed. Brook Improvement Company," approved July 7, 1871, is hereby repealed.

SECT. 8. The legislature may alter, amend, or repeal this act, This act subject to repeal. when, in their judgment, the public good may require it.

SECT. 9. This act shall take effect from and after its passage. Takes effect, when.
[Approved July 25, 1878.]

CHAPTER 148.

AN ACT TO SEVER THE HOMESTEAD FARM OF JOHN G. TEBBETTS FROM SCHOOL-DISTRICT NO. 15, IN OSS�PEE, AND ANNEX THE SAME TO SCHOOL-DISTRICT NO. 18, IN OSS�PEE.

SECTION

1 Farm severed and annexed.

SECTION

2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Farm severed
and annexed.

SECT. 1. The homestead farm of John G. Tebbetts is hereby severed from school-district No. 15, in Ossipee, and annexed to school-district No. 18, in said Ossipee, for school purposes.

Takes effect,
when.

SECT. 2. This act shall take effect from and after its passage.
[Approved July 25, 1878.]

CHAPTER 149.

AN ACT TO INCORPORATE UNIQUE LODGE, INDEPENDENT ORDER OF SUBSTANTIALS.

SECTION

1. Corporation constituted ; its purposes and powers.

SECTION

2. First meeting.

3. Takes effect, when ; subject to repeal.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Corporation
constituted ; its
purposes and
powers.

SECT. 1. That William T. Meloon, William W. Martin, Silas H. Harding, John Q. A. Martin, Frank P. Locke, and Oliver V. Randall, their associates and successors, are hereby made a body corporate and politic, by the name of Unique Lodge, Independent Order of Substantials, for such charitable and benevolent purposes as said corporation may, from time to time, designate, and to be located at Newcastle, in this state, and by that name may sue and be sued, prosecute and defend to final judgment and execution, may have and use a common seal, may take and hold real and personal estate by donation, bequest, or otherwise to an amount not exceeding twelve thousand dollars, and the same may sell, convey, or otherwise dispose of at pleasure ; and may make and establish such by-laws and regulations as may be necessary to carry out the purposes of this act, and shall be vested with all the powers and privileges, and subject to all the liabilities incident to corporations of a like nature.

First meeting.

SECT. 2. Any three of the above-named grantees may call the first meeting of this corporation, at such time and place, in said Newcastle, as they may deem expedient, and in such manner as they may think proper.

Takes effect,
when ; subject
to repeal.

SECT. 3. This act shall take effect on its passage, and the legislature may, at any time, alter, amend, or repeal the same, whenever, in their opinion, the public good shall require it.

[Approved July 25, 1878.]

CHAPTER 150.

AN ACT TO INCORPORATE THE ELLIOT BRIDGE COMPANY.

SECTION

1. Corporation constituted.
2. May erect a bridge.
3. Justices of supreme court to fix rates of toll.
4. Tolls may be demanded.

SECTION

5. Draw to be constructed in bridge.
6. Act takes effect, when.
7. First meeting.
8. Subject to repeal.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That John Bracewell, Charles H. Sawyer, George W. Colbath, Oliver Wyatt, Benjamin Collins, William Flynn, with their associates, who are or shall become proprietors in said company, so long as they shall continue proprietors thereof, shall be a body politic and corporate, by the name of the Elliot Bridge Company, with power to purchase and hold such estate as may be necessary to carry into effect the object of said corporation, with all the powers and privileges, and subject to all the liabilities incident to corporations of a similar nature.

SECT. 2. The said corporation is hereby permitted and empowered to erect a bridge over the Salmon Falls River, between the town of Rollinsford, in this state, and the town of Elliot, in the State of Maine, commencing at any point between the mouth of Fresh Creek and the northerly line of the farm of David O. Cate.

SECT. 3. When said bridge shall be made passable for travelers, the said company shall exhibit to the justices of the supreme court an account of the sums expended for the same, upon the exhibition of which the said justices shall be authorized and required to establish the rates of toll to be received by said company for the use of said bridge, which rates of toll the said justices may alter at such times as they may deem expedient.

SECT. 4. The said company shall be authorized to demand and receive from each and every person who shall pass over or upon said bridge, such toll as shall be established by said justices, and shall be empowered to erect gates and detain persons at said bridge until the tolls shall be paid for which they may be liable.

SECT. 5. A draw or hoist in said bridge shall be constructed over the channel of said river, of sufficient width for vessels to pass and repass freely; and the said company shall cause the same to be opened or hoisted, without delay, for the accommodation of all vessels as may have occasion to pass through the same, and for which the opening or hoisting of said draw may be necessary.

SECT. 6. This act shall be in force and take effect when the State of Maine shall grant an act of incorporation for the same purpose; and unless said bridge shall be erected within ten years after the passage of such an act by the State of Maine, then this grant shall be void.

SECT. 7. Any three of the before-named grantees may call a meeting of said company by advertisement in the *Dover Enquirer* and *Dover Press*, to be holden at any suitable time and place after

seven days from the first publication of said advertisement, and said grantees, by a vote of a majority of those present at such meeting, shall choose a clerk, and at the same time or a subsequent meeting, may elect such other officers, and establish such rules and by-laws as may be deemed necessary for the regulation and government of said company, and for carrying into effect the objects of the same; *provided*, said rules and by-laws be not repugnant to the constitution and laws of the state.

Subject to
repeal.

SECT. 8. Any future legislature may alter, amend, or repeal this charter whenever, in their opinion, the public good shall require it.
[Approved July 25, 1878.]

CHAPTER 151.

AN ACT IN AMENDMENT OF AN ACT ENTITLED, "AN ACT TO GRANT A RIGHT OF WAY THROUGH THIS STATE TO THE PORTLAND AND OGDENSBURG RAILROAD CORPORATION."

SECTION

1. Act amended.
2. Time extended.

SECTION

3. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

Act amended.

SECT. 1. Section two of said act is hereby amended by striking out in the fifth, sixth, seventh, eighth, and ninth lines all the words between "Crawford's Grant," in the fourth and fifth lines, and "Carroll," in the ninth line, so that said section shall read as follows: "Said corporation is hereby authorized and empowered to continue and prolong its railroad agreeably to the provision of its charter, and to locate the same from the west line of the State of Maine, through Conway, Bartlett, Hart's Location, Crawford's Grant, Carroll, Whitefield, and Dalton, to the easterly line of the State of Vermont, in accordance with the provisions of chapter one hundred and forty-six of the General Statutes, except as herein after provided.

Time extended.

SECT. 2. Section seven of said act is also hereby amended by striking out in the sixth line the figures "1880," and substituting therefor the figures "1890," so that the time for the construction and completion of the said railroad through the State of New Hampshire shall be and hereby is extended to the first day of January, A. D. 1890.

Takes effect,
when.

SECT. 3. This act shall take effect upon its passage.
[Approved July 25, 1878.]

CHAPTER 152.

AN ACT TO INCORPORATE THE PROVIDENT MUTUAL RELIEF ASSOCIATION.

SECTION	SECTION
1. Corporation constituted ; its purposes and powers.	3. First meeting.
2. Limitation as to property.	4. Subject to repeal.
	5. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened : —

SECT. 1. That Anthony C. Hardy, J. H. Gallinger, Benjamin F. Prescott, Natt Head, William E. Stevens, H. E. Chamberlin, James W. Johnson, Joseph A. Dodge, George E. Todd, A. H. Crosby, A. M. Shaw, Daniel Barnard, James E. Larkin, Frank Jones, J. W. Sturtevant, Charles H. Amsden, John C. Linehan, and Lewis W. Clark, their associates, successors, and assigns, be and hereby are made a body politic and corporate by the name of the Provident Mutual Relief Association, for charitable and benevolent purposes, and furnishing relief and assistance by means of mutual agreements and the payment of funds, and said corporation may sue and be sued, defend and be defended, have and use a common seal, and establish all by-laws and regulations which may be necessary to carry out the purposes of this act, and shall be vested with all the powers and privileges and be subject to all the liabilities by law incident to corporations of a similar nature.

SECT. 2. Said corporation may purchase, take, and hold, by deed, gift, bequest, devise, or otherwise, real and personal estate, for the purpose of said corporation, to an amount not exceeding at any one time five thousand dollars, and may improve, use, sell, and convey or otherwise dispose of the same at pleasure.

SECT. 3. The five first-named persons in this act may call the first meeting of this corporation by publishing a notice, in some paper printed in Concord, two weeks before the time of meeting.

SECT. 4. The legislature may at any time alter, amend, or repeal this act whenever the public good may require it.

SECT. 5. This act shall take effect from and after its passage.

[Approved July 26, 1878.]

CHAPTER 153.

AN ACT IN AMENDMENT OF AN ACT TO INCORPORATE THE BLAZING STAR LODGE, FREE AND ACCEPTED MASONS, APPROVED DECEMBER 17, 1808.

SECTION	SECTION
1. Limitation of property extended.	2. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened : —

SECT. 1. That the Blazing Star Lodge, Free and Accepted Ma- sons, may hold real and personal estate, by deed, donation, bequest,

or otherwise, for the purposes of said corporation, to an amount not exceeding ten thousand dollars, instead of five thousand dollars, as now provided for in the original act of incorporation.

Takes effect,
when.

SECT. 2. This act shall take effect upon its passage.

[Approved July 26, 1878.]

CHAPTER 154.

AN ACT TO AMEND THE CHARTER OF THE CITY OF PORTSMOUTH.

SECTION

1. City divided into four wards; ward one, two, three, four.
2. Ward officers; time of choosing, and term of office.
3. Supervisors of check-lists, their powers and duties.

SECTION

4. Penalties for interfering with them.
5. Warrants and check-lists now posted not invalidated by this act.
6. Acts repealed.
7. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

City divided
into four wards.

Ward one.

SECT. 1. The city of Portsmouth hereby is and shall continue to be divided into four wards, which shall be constituted as follows: ward one shall contain all that part of said city included within a line beginning at the Piscataqua River, at the Spring Market, and running to and through the center of Bow and Market Streets, through Market Square and the center of Congress Street and Islington Street to a point opposite the south-eastern corner of land of Justin V. Hanscom; thence northerly in a direct line to the north-westerly corner of land of Charles E. Walker on McDonough Street; thence continuing the same course across McDonough Street to the north mill-pond; thence northerly by a direct line to the easterly end of North Street at the north mill bridge; thence through the center of North Street to Dennett Street; thence through the center of Dennett Street to Creek Street; thence through the center of Creek Street and Newington Road to Dodge's Lane; thence through the center of said lane to the westerly end thereof; thence by a direct line to the junction of Sherburne Road with the new road leading from Myrtle Street to Newington; thence through the center of said new road to the line between Portsmouth and Newington; thence northerly by said line to Gosling Road; thence easterly through Gosling Road to the river, and by the river easterly of Noble's Island to the point begun at.

Ward two.

Ward two shall contain all that part of said city included within a line beginning at the Spring Market and running through the center of Bow Street and Market Street, through Market Square and the center of Congress Street and Islington Street to a point opposite the easterly end of the house now occupied by Charles C. Jones; thence southerly by the easterly end of said house; thence by a direct line to the center of Cass Street opposite the center of State Street; thence by a direct line to the junction of Middle Road and Lafayette Road; thence through the center of Lafayette Road and South Road to Richards Avenue; thence by a direct line

to Wentworth Street; thence through the center of Wentworth Street to the center of Pleasant Street; thence to and through the center of Washington Street to Puddle Dock; thence through the said dock to the river, and by the river to the point begun at.

Ward three shall contain all that part of said city lying westerly of wards one and two and the center of Lafayette Road. Ward three.

Ward four shall contain all that part of said city not included in the above-described wards, including all the islands except Noble's Island. Ward four.

SECT. 2. The inspectors of check-lists and all ward officers in the city of Portsmouth shall hereafter be elected biennially, or once in two years only, on the Tuesday next following the first Monday in November, and shall hold their respective offices for and during the term of two years, and until others are elected and qualified in their stead; that the first election of inspectors of check-lists and ward officers under this law shall be held in November, A. D. 1878, and the second in November, A. D. 1880, and so every two years thereafter in every alternate November and upon the day herein before designated. Ward officers; time of choosing and term of office.

The inspectors of check-lists and all ward officers now in office in said city shall hold their respective offices until the Tuesday next following the first Monday in November, A. D. 1878, and until others are chosen and qualified in their stead. Supervisors of check-lists; their powers and duties.

SECT. 3. At every election held in said city, there shall be appointed and commissioned by the mayor two supervisors of check-lists and elections for each ward, who shall be, at the time of their appointment, voters in the ward in which their duties are to be performed, to be stationed on duty at the ward-room in their respective wards at every election, one of whom shall represent the leading minority political party of said city, one for each ward to be chosen by the majority political party of the board of aldermen of said city, and the other by the leading minority political party of said board of aldermen, who, before entering upon such office, shall be sworn to the faithful discharge of the duties thereof by the city clerk, and their term of office shall continue for the election to which they shall be chosen; and they shall have the power of constables and police officers, and shall receive from said city the same compensation as is paid to moderators. Said supervisors shall attend the ward-room, or place of election to which designated on election days; shall have access to the desk or place where the check-list and ballot-box are kept; shall see that no fraudulent vote is cast by parties personating others or in any other way; and that voters have proper access to the polls. They shall be entitled to such a position in the desk or room where the balloting is done as shall give them an opportunity at all times to examine the check-list and witness the checking; and they shall also be entitled to have the ballot-box or boxes in which the ballots are deposited kept in such place and position that they may see and protect it from any fraud during the balloting, and until the votes are counted and declared, and neither said ballot-box or boxes, or the votes contained therein, shall be carried from the presence of such supervisors from the time the polls are opened until the polls are closed and the votes declared. They shall see that the moderator, in receiving votes and in counting the same in presence

of the selectmen, and the clerk, in checking names, are not interfered with or molested. Nothing in this act shall be construed to authorize said supervisors to assume or exercise the authority of selectmen, moderator, or ward clerk, or to interfere with said officers in the discharge of their respective duties.

Penalty for interfering with them.

SECT. 4. Any person interfering with said supervisors in the execution of the duties of their office shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned not more than six months, or both. On the request of the board of inspectors, the mayor shall detail such police force as may be necessary to preserve order and enable such supervisors to discharge their duties. In all elections in said city the polls in the several wards shall not be kept open later than six o'clock in the afternoon.

Warrants and check-lists now posted, not invalidated by this act.

SECT. 5. Nothing in this act shall invalidate the warrants and check-lists now posted in the several wards, as constituted prior to this act, for the election to be held on the first Tuesday of August, A. D. 1878, and said warrants shall be a sufficient and legal notice of said election in all the wards as constituted by this act; and all business transacted at said election shall be legal and valid. And said check-lists, when corrected by the board of inspectors of check-lists to conform to the boundaries of the several wards as established by this act, shall be the check-lists to be used at said election. And all the inhabitants of that part of the city of Portsmouth which by this act is disannexed from wards one and two and annexed to ward three, who would have been entitled to vote in said wards one and two except for the provisions of this act, shall be legal voters in said ward three at said election, and their names shall be placed upon the check-list of that ward, but inspectors of check-lists and ward officers shall not, however, be then chosen.

Acts repealed.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect, when.

SECT. 7. This act shall take effect upon its passage.

[Approved August 1, 1878.]

CHAPTER 155.

AN ACT TO AMEND THE CHARTER OF THE PETERBOROUGH COMPANY.

SECTION

1. Name changed.
2. Each share of stock entitles to one vote.

SECTION

3. Powers enlarged.
4. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Name changed.

SECT. 1. The name of said corporation is hereby changed to the "P. C. Cheney Company," and by said name shall hereafter sue and be sued, and transact all its business.

Each share of stock entitles to one vote.

SECT. 2. The stockholders of said corporation shall have one vote for every share of its capital stock owned by such stockholder, at all meetings of said corporation.

SECT. 3. Said corporation may manufacture paper, paper-pulp, ^{Powers enlarged.} and leather-board, in addition to the goods now authorized, at Peterborough, or elsewhere in the State of New Hampshire.

SECT. 4. This act shall take effect from and after its passage. ^{Takes effect, when.}
 [Approved August 1, 1878.]

CHAPTER 156.

AN ACT TO INCORPORATE THE AMMONOOSUC TELEGRAPHIC COMPANY.

SECTION

1. Corporation constituted.
2. Capital stock.
3. May erect a telegraph line.

SECTION

4. First meeting.
5. By-laws ; officers.
6. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened :—

SECT. 1. That A. P. Carpenter, William Child, James H. Foster, F. P. Moulton, James T. Moulton, and Philip Carpenter, their associates and successors, are hereby created a body corporate by the name of the Ammonoosuc Telegraphic Company, with the power to construct, maintain, and operate a magnetic telegraph line in the town of Bath, N. H., with all the rights, powers, and privileges, and subject to the liabilities of corporations of a similar nature. ^{Corporation constituted.}

SECT. 2. The capital stock of said corporation shall not exceed ^{Capital stock.} the sum of five thousand dollars.

SECT. 3. The said company is authorized to locate and construct its line aforesaid in said town of Bath, over any highway, and over private property for which permission shall have been obtained, and if permission cannot be obtained, compensation shall be determined in the same manner as damages for land taken for highways ; *provided*, that said company shall comply with such regulations as the public safety may require. ^{May erect a telegraph line.}

SECT. 4. Any two of the persons named in this act may call the ^{First meeting.} first meeting of this corporation by giving written notice to the other persons therein named.

SECT. 5. This corporation shall have the right to make by-laws ^{By-laws ; officers.} for its government, choose officers, and do all other things necessary for the management of its affairs not inconsistent with the constitution and laws of this state.

SECT. 6. This act shall take effect from its passage, and the legislature may, at any time, alter, amend, or repeal the same. ^{Takes effect, when.}

[Approved August 1, 1878.]

CHAPTER 157.

AN ACT TO AUTHORIZE THE TOWN OF HAMPTON TO PURCHASE CERTAIN MILL PROPERTY IN SAID TOWN, AND REMOVE THE SAME TO PREVENT THE FLOWAGE OF CERTAIN LANDS, AND ALSO TO ASSESS SAID LANDS TO PAY FOR SUCH PURCHASE AND REMOVAL.

SECTION

1. Town authorized to purchase and remove certain property.
2. Board of assessors.
3. Selectmen to purchase and remove mill and dam.

SECTION

4. Town may authorize selectmen to borrow money to pay expense of purchase and removal.
5. Flowage tax to be levied.
6. Land subject to flowage tax exempt from other taxes.
7. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened: —

Town authorized to purchase and remove certain property.

SECT. 1. The town of Hampton is hereby authorized to purchase certain property in said town, known as Perkins's tide-mill, and to remove the same and the dam connected therewith, and do all things necessary to give the waters in the Meadows Plantation and Spring Marsh Lands their natural flow into Hampton River.

Board of assessors.

SECT. 2. The selectmen of Hampton shall, within thirty days after this act shall have been adopted by said town, notify all persons interested in said Meadows Plantation and Spring Marsh Lands, by posting notices in two or more public places in said town, and in two or more public places in the adjoining town of North Hampton, to appear at the time named therein, at the town hall in said Hampton, then and there to choose two suitable persons to represent the owners of said land in a board of assessors; the persons so chosen, together with the selectmen of the said town of Hampton, shall constitute a board of assessors whose duty it shall be, after having been sworn, to examine all the lands in the Meadows Plantation and Spring Marsh in said Hampton, and appraise the same at their true value in money; they shall receive and consider all such evidence as may be offered relative to the value of said lands. Said board of assessors shall make an inventory of said land, giving the name of each owner, or the person to whom the same is taxed, and such further description as they shall deem necessary, and return the same under their hands to the clerk of said town, who shall record the same in the records of said town.

Selectmen to purchase mill and dam.

SECT. 3. The selectmen of said town of Hampton are hereby authorized to purchase for said town said Perkins's tide-mill and the dam connected therewith, and remove the same so as to give the waters running through said Meadows Plantations and Spring Marsh Lands free and unobstructed flow into Hampton River.

Town may authorize selectmen to borrow money to pay expense of purchase and removal.

SECT. 4. The said town of Hampton may authorize its selectmen to borrow money and give the notes of the town for the amount of the purchase money of said Perkins's mill and the dam connected with said mill and the expenses of removing the same.

Flowage tax to be levied.

SECT. 5. The selectmen of the said town of Hampton are hereby authorized to assess a tax in one or more years, as the town may direct, on all the lands returned by said board of assessors as herein before provided, sufficient to pay the costs of the purchase and

removal of said mill and dam, and the interest that may accrue upon the costs of said purchase and removal, and five per cent additional for abatements and expenses. Said tax shall be called the flowage tax, and the land so taxed shall be holden for the payment of such tax, and the collector of said town shall have the same authority to collect the same as in the collection of taxes for school and town purposes.

SECT. 6. The said town of Hampton may, by vote, exempt the lands subject to said flowage tax from all other taxes, so long as said flowage tax shall be assessed. Land subject to flowage tax exempt from other taxes.

SECT. 7. This act shall not take effect until adopted by the town of Hampton at a legal meeting held for that purpose. Takes effect, when.

[Approved August 1, 1878.]

CHAPTER 158.

AN ACT TO INCORPORATE THE YOUNG LADIES' LIBRARY ASSOCIATION OF PLYMOUTH.

SECTION

1. Corporation constituted.
2. Limitation of property.
3. By-laws.

SECTION

4. First meeting.
5. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That Caroline R. Leverett, Winifred A. Webster, Annie M. Dearborn, Clara T. Clark, Ida M. Payne, Lizzie A. Dodge, Carrie E. Hall, Julia E. Hobart, Carrie E. Cummings, Ada E. Keniston, Lillie Bulfinch, Eliza A. Cummings, M. Ella Calley, Margaret C. Webster, Belle B. Leighton, M. Emma Merrill, Bessie S. Connell, Hattie C. Russell, Lena M. Cutler, Martha H. Leverett, Jennie Parke, Blanche Farnsworth, Carrie E. Baker, Mary M. Barrows, May E. Connell, Grace G. Robinson, Lilla M. Tenney, Harriet W. Rogers, Kate H. Balch, Emily Balch, and Kate McQuesten, their associates, successors, and assigns, be and hereby are constituted a corporation by the name of the Young Ladies' Library Association of Plymouth, for the purpose of promoting knowledge and skill among the members and the community at large by the establishment of a library, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions common to corporations of a similar nature. Corporation constituted.

SECT. 2. Said corporation shall have power to hold, by gift, grant, devise, bequest, purchase, or otherwise, real and personal estate not exceeding the value of twenty thousand dollars. Limitation of property.

SECT. 3. Said corporation may adopt such rules and by-laws, not repugnant to the laws of this state, as they may deem proper. By-laws.

SECT. 4. Any three of the grantees may call the first meeting of the corporation by posting notices of the same in two public places in Plymouth, at least one week before the day of the meeting. First meeting.

SECT. 5. This act shall take effect on its passage. Takes effect, when.

[Approved August 1, 1878.]

CHAPTER 159.

AN ACT TO INCORPORATE THE FOREST FIBER COMPANY.

SECTION

1. Corporation constituted.
2. Purpose; limitation of property.
3. Capital stock.

SECTION

4. First meeting; officers.
5. Subject to repeal; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened: —

Corporation
constituted.

SECT. 1. That Henry H. Furbish, Robert J. Carpenter, William W. Brown, and Charles R. Milliken, their associates, successors, and assigns, be and they hereby are made a body politic and corporate by the name of the Forest Fiber Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the powers and privileges and made subject to all the liabilities by law incident to corporations of a similar nature.

Purpose; limita-
tion of property.

SECT. 2. Said corporation is hereby authorized and empowered to establish, maintain, manage, and carry on in the town of Berlin, in this state, the business of manufacturing wood-pulp and paper, and the products of them, and to acquire and hold all personal and real estate necessary or convenient for conducting the business of said corporation, not exceeding in value one hundred thousand dollars, and may sell, convey, and dispose of the same at pleasure.

Capital stock.

SECT. 3. The capital or joint stock of said corporation shall not exceed in amount the sum of one hundred thousand dollars, nor less than forty thousand dollars, and shall be divided into shares of one hundred dollars each.

First meeting;
officers.

SECT. 4. Either of the persons named in this act may call the first meeting of said corporation by giving, in writing, at least seven days' previous notice to each of the persons named herein, at which meeting, or at an adjournment thereof, all necessary officers and agents may be chosen, by-laws for the regulation and government of said corporation not inconsistent with the constitution and laws of the state may be established, and any other business transacted as may be necessary to carry into effect the purposes of said corporation.

Subject to re-
peal; takes ef-
fect, when.

SECT. 5. The legislature may at any time alter, amend, or repeal this act, and this act shall take effect from its passage.

[Approved August 1, 1878.]

CHAPTER 160.

AN ACT IN ADDITION TO THE ACTS TO INCORPORATE THE PORTSMOUTH,
GREAT FALLS, AND CONWAY RAILROAD.

SECTION

1. Corporation authorized to secure indebtedness by mortgage.
2. Authorized to lease its road.

SECTION

3. Existing contract not affected by this act.
4. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The Portsmouth, Great Falls, and Conway Railroad are hereby authorized to mortgage their franchise, railroad, and all other property to secure their existing indebtedness in such manner, and on such terms as they may deem expedient; *provided*, that the terms of said mortgage shall be first assented to by the holders of at least ninety per cent of the one million of dollars in bonds already issued by said corporation.

SECT. 2. The fourth section of chapter four thousand three hundred and thirty-six of the statutes of this state, approved the third day of July, A. D. 1866, entitled, "An act in addition to an act to incorporate the Portsmouth, Great Falls, and Conway Railroad," is hereby amended by striking out of said fourth section the words "in this state," "or to sell," so that the same shall read as follows: "And said Portsmouth, Great Falls, and Conway Railroad are hereby authorized and empowered to lease for any period of time their said railroad and franchise and property to any railroad corporation upon such terms and conditions as may be agreed on, and approved by the railroad commissioners and the governor and council, the provision of any other act to the contrary notwithstanding."

SECT. 3. Nothing in this act contained shall be taken or deemed to affirm or disaffirm, or in any wise affect any lease or contract for the use and operation of the railroad and railroad property of the Portsmouth, Great Falls, and Conway Railroad, now claimed to exist and be in force.

SECT. 4. This act shall take effect when accepted by a majority vote of said corporation at any meeting called for that purpose.

[Approved August 9, 1878.]

CHAPTER 161.

AN ACT IN AMENDMENT OF AN ACT ENTITLED, "AN ACT TO ESTABLISH THE CITY OF CONCORD," APPROVED JULY 6, 1849.

SECTION

1. Elections to be held biennially in November, etc.
2. Aldermen and common councilmen to be chosen biennially.
3. Biennial meeting.
4. Time of qualification of officers.
5. Police justice to exhibit account of fees annually in September.
6. City council to publish annually in October account of expenditures.

SECTION

7. City clerk to be chosen biennially in November.
8. City treasurer and subordinate officers to be chosen in November biennially.
9. Assessors to be chosen biennially in November.
10. Special justice of police court to exhibit account of fees in September annually.
11. Tenure of offices.
12. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

Elections to be held biennially in November, etc.

SECT. 1. That the act entitled, "An act to establish the city of Concord," approved July 6, 1849, be and the same is hereby amended by striking out section six of said act and substituting in the place thereof the following:—

"SECT. 6. The meetings of the inhabitants for the choice of city and ward officers shall be holden on the Tuesday next after the first Monday in November, biennially, the first meeting to be holden in November, 1878; and all city, ward, and town officers who are chosen by the people shall be chosen by ballot and shall hold their respective offices for two years and until others are chosen and qualified to act in their stead.

"The clerk shall record the votes and proceedings of all town and ward meetings, shall enter on the records the names of all persons voted for and the number of votes given for each in words at length.

"The clerk shall deliver to his successor in office all the records, books, journals, documents, and other things held by him in his capacity as clerk."

Aldermen and common councilmen to be chosen biennially. Biennial meeting.

SECT. 2. That section seven of said act be amended by striking out the word "annual" in the first line thereof, and inserting instead thereof the word "biennial."

SECT. 3. That section eight of said act be amended by striking out the word "annual" in the first line, and inserting the word "biennial" instead thereof.

Time of qualification of officers.

SECT. 4. That section nine of said act be amended by striking out the words "third Tuesday of March in each year" in the fourth and fifth lines, and inserting instead thereof the words "on the Tuesday next after the day of their election;" and by striking out the words "third Tuesday in March" in the fifteenth line, and inserting instead thereof the words "on the Tuesday next after the day of their election."

Police justice to exhibit account of fees annually in September.

SECT. 5. That section sixteen of said act be amended by striking out the word "January," and inserting in the place thereof the word "September."

City council to publish annually in October account of expenditures.

SECT. 6. That section eighteen of said act be amended by inserting after the words "once in every year at least," the words "in the month of October."

SECT. 7. That section twenty-two of said act be amended by striking out the words "annually on the third Tuesday of March," and inserting instead thereof the words "biennially on the Tuesday next after the day of their election."

City clerk to be chosen biennially in November.

SECT. 8. That section twenty-three of said act be amended by striking out the words "April annually," and inserting instead thereof the words "November biennially."

City treasurer and subordinate officers to be chosen in November biennially.

SECT. 9. That section twenty-four of said act be amended by striking out the word "annual," and inserting instead thereof the word "biennial."

Assessors to be chosen biennially in November.

SECT. 10. That section two of an act entitled, "An act in amendment of the charter of the city of Concord," approved June 24, 1858, be amended by striking out the word "January" and substituting instead thereof the word "September."

Special justice of police court to exhibit account of fees in September, annually.

SECT. 11. All city officers elected in March last shall hold their offices for one year; and the officers elected in November next shall take their places on the third Tuesday of March next, and hold till the Tuesday next after the election in November, 1880.

Tenure of offices.

SECT. 12. This act shall take effect on its passage.

Takes effect, when.

[Approved August 16, 1878.]

CHAPTER 162.

AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF KEENE.

SECTION

1. Supervisors of check-lists to be chosen biennially in November.
2. Meetings for correction of check-lists.
3. Check-lists to be used at elections and be preserved.
4. Organization of board.
5. Supervisors to be police officers on election days.
6. Supervisors have powers and privileges of selectmen.

SECTION

7. Vacancy in board.
8. Ward canvassers.
9. Compensation of supervisors.
10. Five supervisors to be appointed to serve until others are elected.
11. To be sworn.
12. Not to hold office of selectman.
13. Acts repealed; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. There shall be elected in each ward, on the first Tuesday after the first Monday in November next, by major vote, and at each biennial state election thereafter, one supervisor of check-lists, and the supervisors thus elected shall constitute a joint board whose duty it shall be to canvass each ward, at least twenty days preceding the posting of the check-lists, as now prescribed by law, to obtain as near as possible a list of the legal voters, from which they shall make up an alphabetical list of all the legal voters of each ward. Certified copies of said lists shall be given into the hands of the selectmen of the several wards seventeen days previous to every election, which copies shall be posted by the selectmen as now required by law.

Supervisors of check-lists to be chosen biennially in November.

Meetings for correction of check-lists.

SECT. 2. Said supervisors shall publish in the newspapers of the city, at least fifteen days previous to every election, a notice of the time and place of meeting for the correction of said check-lists, and also give notice of the same on the aforesaid copies in the same manner as now provided by law for selectmen, which meetings shall be: the first, not less than five days previous to election (exclusive of Sunday), and the last meeting on the day preceeding every election, from the hours of two P. M. to six P. M. and from seven P. M. to ten P. M., on each of said days, and no name shall be added to said check-lists after the last meeting, except such name as may have been left off through mistake; and not then, unless the supervisor in attendance, in any ward where such omission occurs, shall have positive knowledge or information that said person has been a resident of the city for the period of one year, and in the ward six months.

Check-lists to be used at elections and be preserved.

SECT. 3. The several check-lists, as finally corrected by the supervisors, shall be returned to the selectmen of their respective wards before the hour of meeting, and shall be used in voting at every election; and the clerk of each ward shall, within ten days after every election, leave said lists with the city clerk to be preserved.

Organization of board.

SECT. 4. Said supervisors shall meet and organize by electing one of the board as chairman, said chairman selecting, with advice and consent of the other members, one of their number to serve in each ward at all elections, said supervisor to serve in another ward than the one in which he was elected, or is a voter, whose duty it shall be to decide all contested cases which may arise by reason of omission as herein before mentioned.

Supervisors to be police officers on election days.

SECT. 5. Said supervisors shall be commissioned by the mayor to act as police officers, which shall be for election days only; and they shall remain in attendance at the polls during every election day, unless necessarily absent.

Supervisors have powers and privileges of selectmen.

SECT. 6. Said supervisors shall have the same powers and be entitled to the same protection by law, while in the performance of their duties, as is now afforded to selectmen while in attendance correcting the check-lists, or otherwise in the performance of their duties, and may require the presence of policemen to preserve order, if necessary.

Vacancy in board.

SECT. 7. The mayor and board of aldermen shall have power to fill any vacancy which may occur in the board of supervisors.

Ward assessors.

SECT. 8. The chairman of the board of supervisors shall select the ward canvassers, which shall be not less than two for each ward.

Compensation of supervisors.

SECT. 9. The mayor and board of aldermen shall fix the compensation of the board of supervisors, which shall not be over two dollars and fifty cents per day for actual service.

Five supervisors to be appointed to serve until others are elected.

SECT. 10. The board of aldermen shall, on or before the first day of October next, appoint five supervisors, one from each ward, and the persons so appointed shall, upon taking the oath of office by law prescribed, have and shall possess and enjoy all the power vested by law to be performed by such officers for the first meeting held for the election of such supervisors, who shall perform all the duties thereof until others are elected in their places as provided by section first of this amendment.

SECT. 11. Said board of supervisors shall, before entering upon the duties of their office, be sworn to the faithful discharge of their duties. To be sworn.

SECT. 12. No member of the board of supervisors during his term of office shall hold the office of selectman. Not to hold office of selectman.

SECT. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect from its passage. Acts repealed; takes effect, when.

[Approved August 16, 1878.]

CHAPTER 163.

AN ACT IN RELATION TO THE CITY OF MANCHESTER.

SECTION

1. City divided into eight wards.
2. Biennial elections.
3. What officers to be elected.
4. Present officers to hold until January, 1879.
5. Inspectors of check-lists, organization and compensation.
6. Their duties.
7. Meetings for correcting check-lists.
8. Ward clerks to preserve ballots and check-lists.
9. Penalty for procuring name to be illegally put on list.
10. Penalty for wrongfully altering check-lists.
11. Supervisors of check-lists.

SECTION

12. Their powers and duties.
13. Penalty for interfering with them in the discharge of their duties.
14. Oath to be taken by inspectors.
15. Time of opening and closing polls.
16. Punishment for official misconduct.
17. Police court a court of record; clerk.
18. Justice and clerk to account to treasurer.
19. Salaries of justice and clerk.
20. School committee.
21. Powers and duties.
22. Superintendent of schools; his duties and compensation.
23. Acts repealed; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The city of Manchester hereby is, and shall continue to be, divided into eight wards, which shall be constructed as follows:— City divided into eight wards.

Ward No. 1 shall include that part of said city bounded west by the Merrimack River, north by the center line of Brook street and Brook street produced west to Merrimack River, east by the center line of Elm street, and south by the center line of Market street and Market street produced to the Merrimack River. Ward one.

Ward No. 2 shall include that part of said city bounded on the north by Hooksett, east by the Mammoth road, south by the center line of Orange street produced to Mammoth road, and center line of Orange street to center line of Elm street; thence on the west by center line of Elm street to center line of Brook street; thence on the south by center line of Brook street and center line of Brook street produced across the Merrimack River to Goffstown; thence on the west by Goffstown to Hooksett. Ward two.

Ward No. 3 shall include that part of said city bounded north by center line of Orange street and center line of Orange street produced to Mammoth road, east by the Mammoth road, south by center line of Concord street and center line of Concord street produced to the Mammoth road, and west by center line of Elm street. Ward three.

Ward four.

Ward No. 4 shall include that part of said city bounded north by center line of Concord street and that line produced to the Mammoth road; thence on the east by the Mammoth road to center line of Laurel street produced to the Mammoth road; thence on the south by the center line of Laurel street produced to the Mammoth road, and Laurel street to center line of Chestnut street; thence on the west by center line of Chestnut street to Manchester street; thence on the south by center line of Manchester street to center line of Elm street; thence on the west by center line of Elm street to center line of Concord street.

Ward five.

Ward No. 5 shall include that part of said city bounded as follows: south by center line of Auburn street from center line of Beech to center line of Elm street; thence on the west by center line of Elm street to center line of Manchester street; thence on center line of Manchester street east to center line of Chestnut street; thence on center line of Chestnut street south to center line of Laurel street; thence on center line of Laurel street east to center line of Beech street; thence on center line of Beech street south to center line of Auburn street.

Ward six.

Ward No. 6 shall include all that part of said city lying east of the Merrimack river, not included in wards Nos. 1, 2, 3, 4, 5, and 7, as constituted by this act.

Ward seven.

Ward No. 7 shall include that part of said city bounded north by the center line of Market street and that line produced to the Merrimack River, east by the center line of Elm street, south by the center line of Cove street and that line produced to the Merrimack river, and west by the Merrimack River.

Ward eight.

Ward No. 8 shall include all that part of said city lying west of the Merrimack River not included in Ward No. 2, as constituted by this act.

Biennial elections.

SECT. 2. The first meeting under this act of the inhabitants of said city, for the choice of city and ward officers, shall be holden on the Tuesday next following the first Monday in November, 1878, and thereafter biennially, on the Tuesday next following the first Monday in November; and all city and ward officers who are chosen by the people shall be chosen by ballot, and shall hold their respective offices for two years from the first Tuesday of January next following, and until others are chosen and qualified in their stead.

What officers to be elected.

SECT. 3. Each ward shall, at the biennial meeting, in addition to the other officers required by law, choose one alderman and three members of the common council, one assessor, one member of school committee, one overseer of the poor, and one inspector of check-lists; and the clerk shall, within twenty-four hours after such choice, deliver to each person elected to either of said offices a certificate of his election, signed by himself, the moderator, and a majority of the selectmen.

Present officers to hold until January, 1879.

SECT. 4. All city and ward officers of said city, chosen by the people, now in office, shall hold their respective offices until the first Tuesday of January, 1879, and until others are chosen and qualified in their stead.

Inspectors of check-lists; organization and compensation.

SECT. 5. The inspectors of check-lists of the several wards shall be a board of inspectors of the check-lists of the wards in said city. They shall, before entering upon the duties of their office, be sworn to the faithful discharge of the duties of said office,

and a certificate thereof be recorded by the city clerk, in the records of said city. Any vacancy occurring in said board of inspectors, by death, resignation, or otherwise, shall be filled by the city councils in convention, by electing a person, in the ward in which such vacancy occurs, to perform the duties of that office. Said inspectors shall receive such compensation as the city councils may determine. A majority of said inspectors shall be a quorum for the performance of the duties required by this act. Said inspectors shall choose a chairman and clerk from their own number. The clerk shall keep a record of the proceedings of said board in a book to be provided by the city for that purpose, and shall file the same with the city clerk.

SECT. 6. Said inspectors shall prepare, revise, correct, and put up, as provided by law for supervisors of check-lists in towns to do, an alphabetical list of the legal voters in each ward; and for that purpose shall have access to any books or lists belonging to said city, or to any ward in said city, and shall be entitled to the assistance of any of the city or ward officers they may require, and they shall deliver an attested copy of the lists so prepared and corrected to the clerks of the respective wards, before the opening of the polls for elections in said wards; and the said ward clerks shall use the lists so prepared and corrected, and no others, at the elections in said wards. In preparing the lists of voters, said inspectors shall record the first or Christian name of each voter in full, but may use the initial letters to designate the middle name or names of any voter; they shall also record against the name of each voter the name of street and number of dwelling, if numbered; if not numbered, then such other description as shall indicate, as nearly as possible, the residence of such voters. Their duties.

SECT. 7. The said board of inspectors shall be in session at the city hall, or such other place as they shall designate, for the purpose of revising and correcting the check-lists, six days next preceding the day of election (not including Sunday), from nine A. M. to twelve M., and from two P. M. to five P. M., and on the evenings of the last three of said days from seven to nine o'clock, and on the days of election from eight A. M. until six o'clock P. M., and any person may then and there appear and be heard with regard to his right to be registered and to vote, and the said board may require the oath of such person so claiming the right to vote, and corroborating evidence, if not otherwise fully satisfied of the truth of his declaration. They may prescribe such regulations, and require the aid of such police, as shall secure order and the right of each man to be heard; and there shall be no abridgment of the elective franchise, or other qualifications required than those now required by the laws of the state. Meetings for correcting check-lists.

SECT. 8. The clerks of the several wards shall preserve the ballots cast and counted at each election, and deliver the same, together with the check-lists used at such elections, immediately after the adjournment of such meeting, to the supervisors of elections appointed for said ward. Ward clerks to preserve ballots and check-lists.

SECT. 9. Any person procuring his name to be illegally placed on the check-list, by any false representation or statement, upon conviction thereof shall be punished by a fine not exceeding fifty Penalty for procuring name to be illegally put on list.

dollars, or by imprisonment in the county jail not exceeding sixty days.

Penalty for wrongfully altering check-lists.

SECT. 10. If the moderator, selectmen, ward clerk, or any other person, shall alter any check-list after the same shall have been delivered by the inspectors to the ward clerk, by adding any name or names thereto, or erasing any name or names therefrom, or in any way changing the lists, such officers or person so offending shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months; *provided, however,* that in case the name of any person has been accidentally omitted from such list, and who, the inspectors are satisfied, is a legal voter, the said inspectors may certify the same to the moderator, who shall receive his vote, and the clerk shall check the name of such person so voting on the back of said certificate, and shall return the same to the inspectors.

Supervisors of check-lists.

SECT. 11. At every election held hereafter in said city, there shall be appointed and commissioned by the mayor, two supervisors of check-list and elections for each ward, who shall be at the time of their appointment voters in the ward in which their duties are to be performed, stationed on duty at the ward room in their respective wards at every election, one of whom, at least, shall represent the leading minority political party of said city; one for each ward to be chosen by the majority political party of the board of aldermen, and the other by the leading minority political party of the board of aldermen for said city, who, before entering upon such office, shall be sworn to the faithful discharge of the duties thereof, and their term of office shall continue for the election to which they shall be appointed; and for the purposes of this act they shall have the power and authority of constables and police officers, and shall receive from said city the same compensation as is paid to special policemen.

Their powers and duties.

SECT. 12. Said supervisors shall attend the ward-room or place of election to which designated, on election days; shall have access to the desk or place where the check-list and ballot-box are kept; shall see that no fraudulent vote is cast by parties personating others; that voters have proper access to the polls. They shall be entitled to such a position in the desk or room where the balloting is done as shall give them an opportunity at all times to examine the check-lists and witness the checking; and they shall also be entitled to have the ballot-box, or boxes in which the ballots are deposited, kept in such place and position that they may see and protect it from any fraud during the balloting, and until the votes are counted and declared; and neither said ballot-box or boxes, or the votes contained therein, shall be carried from the presence of such supervisors from the time the polls are opened until the polls are closed and the votes declared. They shall see that the moderator, in receiving votes and in counting the same in presence of the selectmen, and the clerk, in checking names, are not interfered with or molested. Immediately after the declaration of the votes by the moderator, the said supervisors shall receive the ballots and check-list, carefully seal the same, and return them to the board of inspectors: and the said inspectors shall, within two days thereafter, in presence of such supervisors, count the votes and

make a record thereof, and examine the check-lists, counting those names checked and those not checked, and recording the number of each, and shall furnish the city clerk with an attested copy of said record, and said lists and votes shall remain in the custody of said inspectors. Nothing in this act shall be construed to authorize said supervisors to assume or exercise the authority of selectmen, moderator, or ward clerk, or to interfere with said officers in the discharge of their respective duties, from the opening to the closing of the polls.

SECT. 13. Any person interfering with said supervisors in the due execution of the duties of their office, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than six months. On the request of said supervisors, the mayor shall detail such police force as may be necessary to preserve order, and enable such supervisors to discharge their duties.

Penalty for interfering with them in the discharge of their duties.

SECT. 14. The inspectors of check-lists shall, before the check-lists are delivered to the clerks of the several wards, take and subscribe the oath required to be taken by supervisors of check-lists of towns.

Oath to be taken by inspectors.

SECT. 15. In all elections in said city, the polls shall be opened at nine o'clock in the forenoon, and be kept open until six o'clock in the afternoon and not later.

Time of opening and closing polls.

SECT. 16. Any supervisor, inspector, or other officer of election, whose duty it is to guard the ballot-box, or to receive, count, certify, register, report, or give effect to the vote of any citizen of any ward in [said] any city, shall forfeit the sum of five hundred dollars to the party aggrieved by any arrest, refusal, or omission, contrary to the provisions of this act, to be recovered by an action on the case with costs, and any officer or other person neglecting or refusing to comply with the terms of this act, or offending against the provisions hereof, shall, upon conviction thereof, be punished by imprisonment in the county jail not more than six months, or be fined not exceeding five hundred dollars, to be paid for the use of the county of Hillsborough.

Punishment for official misconduct.

SECT. 17. The police court of said city, as heretofore constituted, shall be a court of record, and the justice thereof shall, from and after the passage of this act, appoint some suitable person to be clerk thereof, who shall perform all duties pertaining to the office of clerk of said court. He shall hold his office during the pleasure of the justice of said court, and until some other person shall be appointed and qualified in his stead; he shall give a bond for the faithful performance of the duties of his office, to the satisfaction of the mayor and aldermen.

Police court a court of record; clerk.

SECT. 18. The justice and clerk of said court shall, once in three months, render to the city treasurer an account under oath of all fees and costs by them received, and shall, at the time aforesaid, pay over to said treasurer all such fees and costs.

Justice and clerk to account to treasurer.

SECT. 19. The salary of the justice of said court shall be fifteen hundred dollars per annum, and the salary of the clerk of said court shall be four hundred dollars per annum, which said salaries shall be paid in quarterly payments out of the city treasury, and the salaries so received shall be in full for services of every kind rendered by them in the discharge of all the duties pertaining to their office.

Salaries of justice and clerk.

School committee.

SECT. 20. The school committee elected by the several wards in said city shall compose a board and shall sit and act together as one body. The mayor and president of the common council shall be *ex-officio* members of said board, and shall have all the powers and privileges to which the other members of said school committee are by law entitled, and the mayor shall be chairman of the board.

Powers and duties.

SECT. 21. Said board of school committee shall have the power to provide for the care of, and make such occasional repairs upon school-houses and furniture as may be necessary, not exceeding in amount the sum appropriated therefor by the city councils of said city; to regulate the time and manner of the payment of the salaries of teachers; and shall possess such of the powers and perform such of the duties of superintending and prudential committees not by law conferred upon said city.

Superintendent of schools; his duties and compensation.

SECT. 22. Said school committee shall, in the month of June, 1880, and biennially in the month of June thereafter, elect some suitable person to be superintendent of public instruction in said city, who shall hold his office for two years from July first next ensuing after his election. If any vacancy shall occur in said office, by resignation or otherwise, said committee shall fill the same. Said superintendent shall exercise the general supervision of the public schools in said city under the direction of the school committee, and shall perform such duties, now required of the superintending school committee of towns, as relate to visiting schools; and shall assist in the examination of teachers and scholars. He shall make an annual report to the board of school committee, at such time as said committee shall determine, and shall report his proceedings and the condition and progress of the schools to the said school committee as often and in such manner as they may require, and shall perform such other duties as may be required of him by said board of school committee as are not repugnant to the laws of the state, and shall receive such compensation as said board of school committee may determine; but such compensation shall not be diminished during his continuance in office.

Acts repealed; takes effect, when.

SECT. 23. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect upon its passage.

[Approved August 16, 1878.]

CHAPTER 164.

AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER.

SECTION

1. Dover divided into five wards.
2. Ward one.
3. Wards two, three, and four.
4. Ward five.
5. Election of aldermen and common councilmen.
6. Board of assessors.
7. Salary of police justice.
8. Supervisors of elections.
9. Their duties.
10. Meetings for correcting check-lists.
11. Ballots and check-lists to be delivered to supervisors.
12. Penalty for procuring name to be illegally put on list.

SECTION

13. Punishment for wrongfully altering check-list.
14. Representatives' credentials.
15. Oath to be taken by supervisors.
16. Punishment for swearing falsely.
17. Clerk to certify that oath was taken.
18. Selectmen of ward five; vacancy in board of selectmen.
19. Punishment of official misconduct.
20. Special tax appropriated to discharge of any existing debt.
21. Inspectors of voting.
22. Acts repealed.
23. Takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. The city of Dover hereby is and shall continue to be divided into five wards, which shall be constituted as follows:— Dover divided into five wards.

SECT. 2. Ward one shall include all the territory now embraced in said ward as heretofore established by act of June session, A. D. 1876, entitled, "An act in amendment of the charter of the city of Dover." Ward one.

SECT. 3. The boundaries of wards two, three, and four shall remain the same as established by said act of 1876, except as modified in the following section; and said several wards shall hereafter include and contain all the territory assigned them by said act, except such portions of said several wards as are in the following section included in ward five. Wards two, three, and four.

SECT. 4. Ward five shall consist of and include all that portion of said city contained within the following boundaries, to wit: Beginning on Cochecho River at the foot of Chestnut street at the division line between wards one and two; thence running easterly by said river to the center of the Central-street bridge; thence by Central street to Main street; thence to the junction of Main street with School street; thence by the line of School street to Cochecho street; thence by Cochecho street to Rogers street; thence in a direct line to the junction of Payne street with the lane leading to the Hale farm; thence westerly by Payne street to Hanson street; thence by Hanson street to Sonnet street; thence by the southerly line of Sonnet street to George street; thence in the same direct line to the westerly side of George street; thence in a direct line to the north-easterly corner of land of Jonas D. Townsend; thence to the junction of Kirkland street with Central street; thence by Central street to Orchard street; thence by Orchard street to Walnut street; thence by Walnut street to Waldron street; thence to the point of beginning; and all the territory included within the above-described boundaries is hereby severed from wards two, three, and four and made parts of ward five. Ward five.

Election of aldermen and common councilmen.

SECT. 5. At the next annual election of the city officers each of said wards shall choose two aldermen and three members of the common council. One alderman from each ward shall be elected for the term of one year, and one alderman for the term of two years; and at each succeeding annual election one alderman shall be chosen from each ward for the term of two years.

Board of assessors.

SECT. 6. Each ward of said city shall, at the annual municipal election, choose one member of the board of assessors, who, with the additional one elected by the city council, shall constitute said board. The assessors chosen at the next election from wards one, three, and five shall hold their office for the term of one year, and those chosen from wards two and four, and by the city council, shall hold their office for the term of two years; and at all subsequent elections in place of those whose terms shall expire, their successors shall be elected for the term of two years each.

Salary of police justice.

SECT. 7. The salary of the justice of the police court of said city shall be six hundred dollars per annum, to be paid in quarterly payments out of the city treasury; and the salary so received shall be in full for services of every kind rendered by him as justice of said court.

Supervisors of elections.

SECT. 8. The city council of Dover shall, before the first day of September next, choose one inhabitant in each ward of said city, who together shall constitute a board of supervisors of elections, and shall hold their office until others are chosen and qualified in their stead. At the next election for state officers, and at every such election thereafter, there shall be chosen in each ward of said city, by a plurality vote of the legal voters thereof, a supervisor of elections, who shall hold their office for two years and until others are chosen and qualified in their stead, and who shall constitute a board of supervisors of elections for all the wards in said city. The board of supervisors of elections shall choose a chairman and clerk from their own number.

Their duties.

SECT. 9. Said supervisors shall prepare, revise, correct, and post up in the manner the selectmen of towns are required to do, an alphabetical list of all the legal voters in each ward, and for that purpose shall have access to any books or lists belonging to said city, or to any ward in said city, and shall have the assistance of any of the city or ward officers they may require, and they shall deliver an attested copy of the lists of voters so prepared and corrected to the clerks of the respective wards, and the said ward clerks shall use the lists of voters so prepared and corrected, and no others, at the elections in said wards. In preparing the lists of voters, said supervisors shall record the first or Christian name of each voter in full, but may use initial letters to designate the middle name of any voter.

Meetings for correcting check-lists.

SECT. 10. The said board of supervisors shall be in session at the city hall building, or such other place as they shall designate, for the purpose of revising and correcting the lists of voters, six days at least before the state elections, and three days before other elections, within six months next preceeding the day of election, the last two sessions to be held within one week of said election from nine o'clock A. M. to noon, and from two o'clock till five o'clock P. M. on each of said days; and any person may then and there appear and be heard with regard to his right to have his name placed upon

the check-list and to vote, and said board of supervisors may require the oath of such persons so claiming the right to vote, and corroborating evidence, if not otherwise fully satisfied of his right to have his name placed upon the check-list; and said board of supervisors shall be in session on election days from eight o'clock A. M. to noon, and from two o'clock to three o'clock P. M., so that, in case the name of any person has been omitted from the check-list, and who the supervisors are satisfied is a legal voter agreeably to the provisions of section five of chapter twenty-eight of the General Statutes, the supervisors shall certify the same to the moderator, who shall receive his vote; and the ward clerk shall check the name of such person so voting on the back of said certificate, and shall return the same to the supervisors, with the check-list.

SECT. 11. All the ballots cast at each election in the several wards shall be preserved, and after they shall have been counted, the moderator shall deliver all the ballots given in to the clerk of the ward, and the clerk shall seal up said ballots, direct and deliver the same, together with the list of voters used at such election, within one hour after the adjournment of such meeting, to the board of supervisors, who shall be in session to receive the same.

SECT. 12. Any person procuring his name to be illegally placed upon the check-list by a false representation or statement, under oath, shall be taken and deemed guilty of willful and corrupt perjury, and be liable to the punishment prescribed therefor.

SECT. 13. If the moderator, selectmen, ward clerk, or any other person shall alter any check-list after the same shall have been delivered by the supervisors to the ward clerk, by adding any name or names thereto, or by erasing any name or names therefrom, or in any way changing the list, such officer or person so offending shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months.

SECT. 14. The certificates of election of representatives to the general court from the several wards shall be made, certified, and signed by the clerk of the board of supervisors of check-lists, and the clerk of such board shall certify that the check-list of the ward was duly posted and used during the balloting on which representatives were chosen, and the number of votes upon the check-list, as corrected, on the day of such annual meeting. The clerk of each ward shall make out a fair and exact copy of the record of all votes given in at the annual meeting for the election of representatives to the general court, and shall certify upon said copy that the same is a true copy of said record, and shall seal said copy, direct, and deliver the same to the clerk of the board of supervisors of elections, with a superscription upon the same, expressing the purport thereof, within twenty-four hours after such meeting.

SECT. 15. The board of supervisors of elections in said city, at every meeting of the legal voters of each ward in said city for the choice of state and county officers, representatives in congress, or electors of president and vice-president of the United States, shall, before the check-lists are delivered to the clerks of the several wards, take and subscribe on the back of the check-lists to be used at such meetings the following oath, before the city clerk or a justice of the peace or notary public, the blank in the same being first properly filled: "We, the supervisors of elections in the city of

Ballots and check-lists to be delivered to supervisors.

Penalty for procuring name to be illegally put on list.

Punishment for wrongfully altering check-list.

Representatives' credentials.

Oath to be taken by supervisors.

Dover, do swear that, according to our best knowledge, the within list contains the names of those persons only who are, by actual residence, legal voters in ward in said city. So help us God." The clerk or magistrate before whom said oath is taken, shall make, on the back of said check-list, a certificate thereof.

Punishment for swearing falsely.

SECT. 16. Any supervisor who shall knowingly swear falsely, in taking any oath prescribed by this act, shall be taken and deemed to be guilty of willful and corrupt perjury, and be liable to the punishment prescribed therefor.

Clerk to certify that oath was taken.

SECT. 17. In making out the certificate of any representative from any ward in said city, the clerk of the board of supervisors shall certify whether or not the foregoing oath, prescribed by this act, was taken and subscribed by the supervisors on the back of the check-list used in each ward at the annual meeting.

Selectmen of ward five; vacancy in board of selectmen.

SECT. 18. The mayor and aldermen of said city shall, before the first day of September next, appoint from the inhabitants of ward five in said city, three selectmen, a clerk, and moderator, who, being duly sworn, shall perform and discharge respectively the duties of said offices for said ward until others are duly chosen and qualified to act in their stead. In case of any vacancy in the board of selectmen of any ward in said city, the city council in convention shall fill such vacancy at their first regular meeting after such vacancy shall occur.

Punishment of official misconduct.

SECT. 19. Any officer or other person neglecting or refusing to comply with the terms of this act, or offending against the provisions hereof, where punishment is not already provided by this act, shall, upon conviction thereof, be punished by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars, to be paid to the use of the county of Strafford.

Special tax appropriated to discharge of any existing debt.

SECT. 20. The mayor and aldermen of Dover are authorized to apply the three per centum to be raised annually under section eighteen, chapter thirty-four of the General Statutes, in respect to the Portsmouth and Dover Railroad, to the payment of any other existing debt from said city.

Inspectors of voting.

SECT. 21. Said supervisors shall at and for every election appoint two inspectors of voting, one from each of the two leading political parties in each ward, who may attend the ward-room, or place of election to which designated on election days; shall have access to the desk or place where the check-list and ballot-box are kept; shall see that no fraudulent vote is cast by parties personating others or in any other way; that voters have proper access to the polls. They shall be entitled to such a position in the desk or room where the balloting is done as shall give them an opportunity at all times to examine the check-list and witness the checking; and they shall also be entitled to have the ballot-box or boxes in which the ballots are deposited kept in such place and position that they may see and protect it from any fraud during the balloting, and until the votes are counted and declared, and neither said ballot-box or boxes, or the votes contained therein, shall be carried from the presence of such inspectors from the time the polls are opened until the polls are closed and the votes declared. They shall see that the moderator, in receiving votes and in counting the same in presence of the selectmen, and the clerk, in checking names, are not interfered with or molested.

SECT. 22. All acts and parts of acts in the charter of said city Acts repealed. or laws of the state inconsistent with the provisions of this act are hereby repealed.

SECT. 23. This act shall take effect from its passage.
[Approved August 16, 1878.]

Takes effect,
when.

CHAPTER 165.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NASHUA, CHANGING THE TIME OF THE CITY ELECTION.

SECTION

1. City and ward officers to be elected annually in November.
2. Board of assessors, and overseers of the poor.
3. Board of education.
4. Inspectors of check-lists; their duties.
5. Meetings for correcting check-lists.
6. Penalty for procuring name to be illegally put on list.
7. Punishment for wrongfully altering check-list.
8. Ballots and check-lists to be delivered to inspectors.
9. Representatives' credentials.
10. Time for qualifying officers; election of city clerk.

SECTION

11. Officers appointed by mayor and aldermen; by city council in convention; financial year.
12. Supervisors of check-lists, their powers and duties.
13. Penalty for interfering with them; time of closing polls.
14. Nashua divided into eight wards.
15. Tenure of office regulated.
16. Punishment for official misconduct.
17. Right to vote not affected by this act.
18. Vacancy in board of selectmen.
19. Acts repealed; takes effect, when.

Be it enacted by the Senate and House of Representatives in General Court convened:—

SECT. 1. That the meeting of the inhabitants of the city of City and ward officers to be elected annually in November. Nashua, for the choice of city and ward officers, shall be held annually on the Tuesday next after the first Monday in November; that the first election under this act shall be held in November, A. D. 1878; and all city and ward officers who are chosen by the people shall be chosen by ballot, and shall hold their respective offices for one year from the second Monday in November, and until others are elected and qualified, unless a different intention appears.

SECT. 2. At the election in November, 1878, and at every annual election thereafter, there shall be chosen by the people, Board of assessors, and overseers of the poor. and by general ticket, five persons, who shall constitute a board of assessors for said city; and also there shall be chosen by the people, and by general ticket, a board of overseers for the poor of said city, consisting of three persons; and the ballots for said boards of assessors and overseers of the poor shall be received, sorted, counted, and declared, and a record thereof made, delivered, and examined, and the persons elected be notified in the same manner as is now provided in the election of mayor of said city; and each of said boards shall choose a chairman and clerk from their own number.

SECT. 3. The school committee of said city shall be styled a Board of education. board of education. Cornelius V. Dearborn, William W. Bailey,

Chester Bullard, and Frederick Kelsey shall hold their offices until the second Monday of November next; Edward Spalding, John O'Donnell, Edward E. Parker, and Solomon Spalding shall hold their offices until the second Monday in November, 1879; and John K. Hosmer, Charles W. Hoitt, Caleb Richardson, and John C. Knowles shall hold their offices until the second Monday in November, 1880; and said board of education shall continue to be composed of twelve persons, four of whom shall be chosen at every annual election, and by general ticket, and hold their offices for three years, and until others are elected and qualified; said board of education shall choose a president and clerk from their own number, and any vacancy in said board occurring from any cause shall be filled by the city councils, in convention with said board of education, by joint ballot and by major vote.

Inspectors of
check-lists;
their duties.

SECT. 4. There hereby is established in said city a board of inspectors of check-lists, consisting of one person to be chosen by each ward at every state biennial election, who shall hold their office for two years, or until others are elected and qualified in their stead. The persons thus chosen, having been first sworn in the manner herein prescribed, shall choose a chairman and clerk from their own number. Said inspectors shall prepare, post up, revise, and correct, in the manner selectmen of towns are required to do, an alphabetical list of the legal voters in each ward; and they shall deliver an attested copy of the lists of voters, so prepared and corrected, to the clerks of the respective wards before the time for opening of any meeting of the voters; and the said ward clerks shall use the lists of voters, prepared and corrected as aforesaid, and no others, at the elections in said wards. In preparing the lists of voters, said inspectors shall record the first name of each voter in full, but may use initial letters to designate the middle name or names of any voter; they shall also record against the name of each voter the name of the street, and number of dwelling, if numbered, in which said voter resides; if not numbered, then such description as shall indicate as nearly as possible the residence of such voter.

Meetings for cor-
recting check-
lists.

SECT. 5. The said board of inspectors shall be in session at the city hall building, or such other place as they shall designate, for the purpose of revising and correcting the lists of voters, six days, at least, within six months next preceding the day of election: the last two sessions to be held within one week of said election, from nine o'clock A. M. to twelve o'clock M., and from two o'clock P. M. till five o'clock P. M., on each of said days. Due notice of such sessions shall be given. The inspectors shall hear all applications for the insertion of any name upon said lists, or the erasure of any name therefrom, and may examine the party or any witnesses thereto upon oath, which may be administered by any member of the board. They shall insert the name of every legal voter omitted, and erase the name of every person not a legal voter. The inspectors may prescribe such regulations, and require the aid of such police as shall secure order and the right of each person to be heard, and said board shall be in session on the day of election from eight to eleven o'clock A. M., and from one to three o'clock P. M., and in case the name of any legal voter has been omitted from the check-lists, and it is within the knowledge of the board of inspectors that his residence has been the entire year next preceding the day of elec

tion in the ward where he claims the right to vote, said inspectors may certify the same to the moderator of the ward in which he is entitled to vote, who shall receive his vote, and the ward clerk shall check the name of such person so voting on the back of said certificate, and shall return the same to the inspectors with the check-list. Any vacancy occurring in said board of inspectors, from any cause, shall be filled by the city councils, in convention with said board of inspectors, by electing a person resident in the ward in which such vacancy occurs, by joint ballot and by major vote.

SECT. 6. Any person procuring his own name or the name of any other person to be illegally placed upon the check-list by any false representation or statement, upon conviction thereof, shall be punished by a fine of fifty dollars, or by imprisonment sixty days, or both.

Penalty for procuring name to be illegally put on list.

SECT. 7. If the moderator, selectmen, ward clerk or any other person shall alter any check-list after the same shall have been delivered by the inspectors to the ward clerk, by adding any name or names thereto, or by erasing any name or names therefrom, or in any way changing the check-lists, such officer or person so offending shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months.

Punishment for wrongfully altering check-list.

SECT. 8. As soon as a declaration of votes shall have been made at any election, the moderator shall deliver all the ballots given in to the clerk of the ward, and the said clerk shall seal up said ballots, and direct and deliver the same, together with the lists of voters used at said election, and a copy of the declaration of votes for representatives to the general court, attested by himself, within one hour after the adjournment of such meeting, to the board of inspectors, who shall be in session to receive the same, and they shall preserve the ballots for eight months; *provided, however*, that such parts only of sections four, five, and eight of this act as the board of inspectors shall deem necessary shall apply in special elections.

Ballots and check-lists to be delivered to inspectors.

SECT. 9. The certificates of election of representatives to the general court from the several wards in said city shall be made out, certified, and signed by the clerk of said board of inspectors; and the clerk of said board shall also certify that the check-list of the ward was duly posted and used during the balloting on which such representative was chosen, and the number of voters upon the check-list as corrected on the day of the biennial meeting. The clerk of said board shall deliver such certificates to the persons elected representatives, within two days after their election. The clerk of each ward shall make out a fair and exact copy of the record of all votes given in at the meeting for the election of representatives to the general court, and shall certify upon said copy that the check-list was used during the balloting on which such representatives were chosen, and that the same is a true copy of said record, and shall seal said copy, and direct and deliver the same to the clerk of the board of inspectors, with a superscription upon the same, expressing the purport thereof, within twenty-four hours after such meeting.

Representatives' credentials.

SECT. 10. The mayor, aldermen, common councilmen, board of education, board of assessors, board of overseers of the poor, and board of inspectors of check-lists shall meet in convention, for the

Time for qualifying officers; election of city clerk.

purpose of taking the oaths of their respective offices, on the second Monday in November, 1878, and on the second Monday of November in every year thereafter, at ten o'clock of the forenoon; and on said day the city councils, when they are so met in convention, shall, by joint ballot and by major vote, elect a city clerk, who shall hold his office for one year and until another is elected and qualified, removable, however, at the pleasure of the city councils.

Officers appointed by mayor and aldermen.

SECT. 11. The mayor and aldermen of said city shall have full and exclusive power to appoint a city marshal, and an assistant city marshal, constables, city messenger, police officers, watchmen, surveyors of wood, bark, and lumber, city weighers, cullers of brick, measurers of brick, stone, painting, and plastering, city sealer of weights and measures, fence viewers, pound-keeper, and liquor agent. The city councils of said city in convention shall elect, by joint ballot and by major vote, a city solicitor, collector of taxes, city treasurer, city physician, street commissioners, a board of health officers consisting of three persons, a chief engineer and assistant engineers of the fire department. All of said officers shall be so elected and appointed in the month of November, 1878, and in every year thereafter in every November, and shall hold their respective offices for one year from the second Monday of November, unless sooner removed for sufficient cause, and until others are chosen, appointed, and qualified; and if any vacancy shall occur in any of said offices, the same may be filled by an election or appointment. The financial year of said city shall close on the last day of December in each year, and begin on the first day of January.

By city councils.

Financial year.

Supervisors of check-lists; their powers and duties.

SECT. 12. At every election held in said city, there shall be commissioned by the mayor two supervisors of check-lists and elections for each ward, who shall be, at the time of their appointment, voters in the ward in which their duties are to be performed, to be stationed on duty at the ward-room in their respective wards at every election, one of whom shall represent the leading minority political party of said city, one for each ward to be chosen by the majority political party of the board of aldermen of said city, and the other by the leading minority political party of said board of aldermen, who, before entering upon such office, shall be sworn to the faithful discharge of the duties thereof by the city clerk, and their term of office shall continue for the election to which they shall be chosen; and they shall have the power of constables and police officers, and shall receive from said city the same compensation as is paid to moderators. Said supervisors shall attend the ward-room, or place of election to which designated on election days; shall have access to the desk or place where the check-list and ballot-box are kept; shall see that no fraudulent vote is cast by parties personating others or in any other way; and that voters have proper access to the polls. They shall be entitled to such a position in the desk or room where the balloting is done as shall give them an opportunity at all times to examine the check-list and witness the checking; and they shall also be entitled to have the ballot-box or boxes in which the ballots are deposited kept in such place and position that they may see and protect it from any fraud during the balloting, and until the votes are counted and declared, and neither said ballot-box or boxes, or the votes contained therein, shall be carried from the presence of such supervisors from the

time the polls are opened until the polls are closed and the votes declared. They shall see that the moderator, in receiving votes and in counting the same in presence of the selectmen, and the clerk, in checking names, are not interfered with or molested. Nothing in this act shall be construed to authorize said supervisors to assume or exercise the authority of selectmen, moderator, or ward clerk, or to interfere with said officers in the discharge of their respective duties.

SECT. 13. Any person interfering with said supervisors in the execution of the duties of their office shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned not more than six months, or both. On the request of the board of inspectors, the mayor shall detail such police force as may be necessary to preserve order, and enable such supervisors to discharge their duties. In all elections in said city the polls in the several wards shall not be kept open later than six o'clock in the afternoon.

Penalty for interfering with them.

Time of closing polls.

SECT. 14. The city of Nashua is hereby divided into eight wards, which shall be constituted as follows : —

Nashua divided into eight wards.

Ward one shall include all that part of said city now included in the boundaries of ward one, as at present constituted.

Ward one.

Ward two, all that part now included in the boundaries of ward two as at present constituted.

Ward two.

Ward three, all that part now included in the boundaries of ward three as at present constituted.

Ward three.

Ward four, of all that portion of said city lying east of Main street, south of the Nashua River, south-westerly of the Nashua and Lowell Railroad, and northerly and easterly of the lines of ward seven, as herein after described.

Ward four.

Ward five shall include all that part of said city now included in the boundaries of ward five as at present constituted.

Ward five.

Ward six, all that part now included in the boundaries of ward six as at present constituted.

Ward six.

Ward seven, of all that portion of said city included in the following boundaries : Beginning at the intersection of Main with East Pearl street, thence easterly by East Pearl street to the center line of South street, thence southerly by South street to Worcester street ; thence easterly up Worcester street to Spruce street ; thence southerly by Spruce street to the main track of the Worcester and Nashua Railroad ; thence easterly by said main track to the Nashua and Lowell Railroad ; thence southerly and easterly by the boundary of ward three aforesaid, to the Merrimack River ; thence down said river to Salmon Brook ; thence westerly up said Salmon Brook to Main street ; thence northerly by Main street to the place of beginning.

Ward seven.

Ward eight, all that part of said city now included in the boundaries of ward eight as at present constituted.

Ward eight.

SECT. 15. The mayor, aldermen, common councilmen, assessors of taxes, and overseers of the poor now in office in said city, shall hold their respective offices until the second Monday in November next, and until others are chosen and qualified ; the ward officers now in office in ward two in said city shall hold their office until this act takes effect, and no longer ; and the ward officers now in office in ward one shall perform the duties of their respective offices

Tenure of office regulated.

for ward one as constituted by this act; and all ward officers who are in office in the several wards in said city when this act shall have taken effect, shall hold their respective offices until others are elected and qualified, and no longer; and all officers now in office in said city, elected by the city councils or appointed by the board of mayor and aldermen, shall hold their respective offices until others are elected and appointed and qualified, and no longer.

Punishment for
official misconduct.

SECT. 16. Any officer or other person neglecting or refusing to comply with the terms of this act, or offending against the provisions hereof, where punishment is not already provided by this act, shall, upon conviction thereof, be punished by imprisonment not more than six months, or by fine not exceeding five hundred dollars, to be paid for the use of the county of Hillsborough.

Right to vote
not affected by
this act.

SECT. 17. Any person qualified to vote at any meeting held within six months from the passage of this act, in any ward as now constituted, shall have the right to vote in the ward in which he shall become an inhabitant by the provisions of this act.

Vacancy in
board of select-
men.

SECT. 18. In case a vacancy shall occur in the board of selectmen of any ward in said city, by removal from the ward or from any other cause, the city councils in convention shall fill the same, by joint ballot and by major vote, at their first meeting after such vacancy shall occur.

Acts repealed;
takes effect,
when.

SECT. 19. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall take effect on the first day of October, 1878.

[Approved August 17, 1878.]

STATE OF NEW HAMPSHIRE.

OFFICE OF SECRETARY OF STATE,

CONCORD, October 15, 1878.

I hereby certify that the acts and resolves contained in this pamphlet have been compared with the originals in this office, and found to be correctly printed.

A. B. THOMPSON,

Secretary of State.

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TO

PUBLIC ACTS AND RESOLUTIONS,

PASSED JUNE SESSION, 1878.

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